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ABSTRACT

This police guide reports on police responses to spouse abuse and wife beating calls based on research collected from visits to 17 police departments, interviews with police managers, a survey of 130 police officers, and interviews with social service professionals. The first chapter explains the purposes of the report, i.e., to: (1) provide guidance to police executives in the development of policies and procedures; (2) improve police responses to spouse abuse calls; and (3) offer suggestions about training programs. Chapter 2 reviews the nature and extent of spouse abuse and wife beating problems. Chapter 3 discusses current police practices and reports results of a survey of 130 police officers. Chapter 4 concerns the formulation of policy guidelines and includes a discussion of policymaking methods and relevant issues for appropriate police responses to abuse problems. Chapter 5 suggests operational procedures for responding to abuse calls and provides step-by-step procedures to help officers understand, defuse, and prevent recurrences of violent conflicts. Chapter 6 reviews the elements of an effective training program for police to learn how to deal with spouse abuse. (Author/NRB)

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Responding To Spouse Abuse & Wife Beating

A Guide For Police

by
Nancy Loving

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Project Director

The Police Executive Research Forum is a national membership organization composed of chief executives from municipal, county, and state law enforcement agencies. The Forum's goal is to improve the delivery of police services through professionalization of police executives and officers, development of new knowlege through research and experimentation, and open debate on criminal justice issues.

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PREFACE

This report is the product of an intensive, year-long examination of existing police department policies and procedures for handling spouse abuse and wife beating cases, the legal and traditional underpinnings of those practices, and the newly developing concepts for improving police handling of these cases. During the course of the study, Forum staff interviewed scores of police practitioners, reviewed hundreds of documents, and sought the advice and counsel of psychologists, lawyers, women's groups, and others working to help both victims and assailants.

The study addresses only one type of domestic disturbance—that involving the threat or use of violence. It is designed to help police administrators formulate and institute effective guidelines for officers called to the scene of a violent domestic conflict, and it prescribes a new course of action for these cases, distinct from the actions officers take in cases involving only verbal abuse. Felony assaults, misdemeanor assaults, and threatened assaults are the three categories used in this report, and plans of action are presented for each. In cases involving intentional use of force resulting in serious injury, use of a deadly weapon, and/or violation of a restraining order, the report recommends arrest. Misdemeanor assaults allow a broader range of law enforcement actions, including arrest, civil remedies, summonses, citizens' arrest, or social service referral. Threats of assault always should be taken seriously, and police should handle them by separating the parties, issuing citations, using crisis intervention techniques, or referring the couple for counseling.

The report's emphasis on arrest in felony cases and in some misdemeanor assault cases may disturb police administrators who place a high value on officers' discretion over the disposition of a case. But professional policing requires managers to designate categories of cases in which a particular method of disposition is required and to define the acceptable range of actions officers may take in each of these cases. In fact, officer discretion is preserved because officers must assess each situation, identify the dynamics at work between the couple, and make the fine distinctions of behavior that will allow them to put each case in its proper category.

The large number of repeat calls in spousal violence cases suggests that traditional police methods for handling them are ineffective. For example, the use of crisis intervention techniques, in particular mediation and conciliation, has been indiscriminate in some departments—applied to all domestic disturbance calls, regardless of the presence of violence or use of a weapon. Inevitably, these techniques have been unsuccessful in a large number of cases, because "domestic disturbance" is too broad a classification to allow exclusive use of only one approach to be successful. There needs to be a more cogent, more clearly differentiated classification of these calls so that officers and administrators can determine the proper response.

Another reason for a clear and distinct group of categories is that police officers and administrators are being bombarded from all sides with pressures, demands, and expectations resulting from the relatively recent emergence of spouse abuse and wife beating as serious and widespread problems. Feminist groups are to be credited, in large measure, with bringing to light acts of violence directed at women, and they are in the forefront of those demanding more sensitive handling of these cases by the police. Moreover, traditional male and female roles are changing, altering the relationships between men and women. As a result, public expectations of what constitutes a proper police response in spousal conflicts also are changing.

State legislatures, as well as the judiciary, also are taking note of police handling of spousal violence cases. New statutes are making such assaults and violations of restraining orders

subject to the criminal code. Class action suits charging police malfeasance have been filed by battered women in several jurisdictions. The consent decrees resulting from these cases require the police agency to make arrests in certain felony cases and to inform victims of appropriate criminal and civil remedies.

Although the policies and procedures recommended in this report are standard in many police agencies, others may want to review their existing practices in light of new information. This report provides step-by-step guidance—in some places quite elaborate—for developing procedures for responding to, investigating, and resolving spouse abuse and wife beating calls; and it presents an outline for training and retraining officers to handle both victims and assailants effectively and sensitively.

Further research is needed to test the validity of this approach and to determine the impact of police actions in a variety of spousal conflicts. Although the definitive empirical study of police handling of spouse abuse and wife beating remains to be done, this report presents a recommendation of the most appropriate police action, reflecting a consensus of the views of those most deeply involved in trying to prevent and remedy this serious social problem. Because the police must continue to handle the large number of spouse abuse cases that come to their attention, the Forum recommends the course of action outlined in this report as the most enlightened thinking about police response to these calls.

Bruce R. Baker
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Portland, Oregon

President
Police Executive Research Forum

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Nancy Loving
April 1980

EXECUTIVE SUMMARY

This is the report of an examination of police response to spouse abuse and wife beating calls conducted during 1979 by the Police Executive Research Forum under a grant from the Law Enforcement Assistance Administration. The study included visits to 17 police departments, interviews with more than 50 police managers and officers, a review of the literature, a survey administered to 130 police officers, and extensive discussions with academics, psychologists, women's rights advocates, and other nonpolice personnel involved with the issue of spousal violence.

Resulting from this study was a set of guidelines for police officers to follow in answering often-dangerous domestic violence calls. Chapter 5 provides step-by-step procedures that can help officers understand, defuse, and prevent recurrence of these violent conflicts.

FINDINGS

Few studies exist which systematically examine police handling of spouse abuse and wife beating calls. A recent telephone survey of 1,793 women in Kentucky revealed that, although the women reported only 10 percent of 881 violent incidents to the police, they responded that the officers made arrests in 41 percent of the cases and obtained an arrest warrant in an additional 16 percent. A report was filed in 24 percent of the cases and no action was taken in 29 percent. The low rate of reporting these incidents to the police could be the lack of

serious injury in the remaining cases, the women's fears of spousal retaliation if they reported the incident, or their belief that the police would not help them. Additionally, many of the victims may regard spousal violence as acceptable behavior.

Two factors involved in the move to reshape the police response to spousal violence problems are new state domestic violence statutes and judicial mandates resulting from class action suits filed by battered women who charge police agencies with malfeasance and negligence. The new laws are granting criminal court jurisdiction over certain family offenses, making violation of a restraining order a criminal offense, and eliminating the requirement that a misdemeanor assault must occur in an officer's presence before an arrest can be made. In addition, the settlement decrees involved in class action suits have resulted in substantial procedural changes. The most celebrated cases occurred in Oakland, California (*Scott* v. *Hart*), and New York (*Bruno* v. *Codd*). Both departments agreed to treat domestic violence as alleged criminal conduct and to make arrests in appropriate cases. They also agreed to inform victims of their rights to criminal and civil court proceedings.

A survey of 130 police officers conducted for this report was to determine the general patterns of police handling of spousal violence calls. Although this does not involve a scientificaliy valid sample that is representative of the police profession, it included officers in jurisdictions in which an LEAA domestic violence grant had been awarded. Concerning the conditions in which these officers were likely to make an arrest, the survey showed that they are most likely to make an arrest if a crime has been committed (30 percent) and if the likelihood of recurring violence exists (28 percent). No officer indicated that she or he avoids arrest in all situations, but 19 percent indicated they avoid arrest whenever possible.

The officers were asked about which factors they consider to be important in their decisions whether to arrest. They responded that an arrest is likely if the following are present: commission of a felony, serious injury to the victim, use of a weapon, and use of violence against police officers. When

deciding not to arrest, officers assign the most importance to the following: refusal of the victim to press charges, victims' tendency to drop charges, lack of serious injury, and an intoxicated victim or assailant.

The officers rated separation of the parties as the most effective alternative to arrest in domestic violence cases. Removal of the assailant from the household, followed by removal of the victim, was the next most effective remedy. Removal of the victim to a battered women's shelter was rated fourth in effectiveness. Civil remedies, such as restraining and protection orders, were rated very low in effectiveness. Police use of referrals in these cases received remarkably low scores. What few referrals were made were most frequently to marriage counseling agencies, Family Courts, district attorneys' offices, and legal aid offices.

Many of the officers surveyed expressed frustration, disdain, and feelings of inadequacy about their role in these cases. Some of these feelings they attributed to poor training, a lack of clear agency policy and procedural directives, and a lack of incentive to spend time handling and following up on spousal violence calls. Additional factors were statutory constraints, especially those limiting arrest authority in misdemeanor assault cases; the refusal of the criminal justice system to accept and process these cases; and stress and indifference resulting from overexposure to interpersonal conflict and violence.

The recruit training and in-service training conducted for handling domestic violence calls was found to be inadequate in the agencies surveyed for this report. Not only was the topic assigned a bare minimum of training hours, but included in the sessions were discussions of other kinds of interpersonal conflict, such as barroom brawls and landlord-tenant arguments. In addition, the training emphasized the use of crisis intervention techniques of mediation and negotiation, and discouraged the use of arrest. This approach is useful in verbal disputes, but it can be harmful in violent conflicts. The training programs were weakest in providing officers with information about available referrals and how to make effective use of

them. Most needed are new training materials and programs that emphasize the importance of the police role in these cases.

Police agencies also need to develop formal policy statements and operational procedures to impose sensible limits and structure on the range of available police intervention practices for these calls. The development process should involve a range of police and civilian service providers. The policy statements should cover the proper use of law enforcement actions against the assailant; extent of attention and protective services given to the victim; proper use and enforcement of civil remedies; proper use of civilian social service aides; and nature of relationships with social service agencies and women's rights groups. Agency procedures should supply the officers with practical steps for performing their proper functions in these cases: to restore order and safety; to determine if a crime has been committed and take proper law enforcement actions; and to make social service and legal agency referrals for family members. Any new procedures and programs should be monitored and evaluated for a two-year period. In addition, a mechanism should be established to determine citizen satisfaction with the procedures, to process citizens' complaints, and to review the effectiveness of new training programs.

DESIGN OF STUDY

The process of reshaping the police response to spouse abuse and wife beating calls involved three phases. The first phase included research into the nature and extent of these family violence problems, as well as how the current police response was structured. The second phase included field research to 17 police agencies where information on policies and procedures for handling these calls was gathered. In addition, survey questionnaires were administered to 130 police officers to determine how they respond in these cases. Another 25 police agencies were surveyed by mail about their policies and procedures. The third phase of the study included the development of proposed policies and procedures for these calls, after which they were submitted to a review and com-

ment process involving 20 criminal justice and social service professionals and police officials.

SUMMARY

Policing often requires patrol officers to respond to calls for help in cases involving violence among married and unmarried couples. Citizens are relying increasingly on the 24-hour availability of the police and their ability both to "do something" to stop the violence and to provide counseling and emergency services. Officers routinely respond to these calls, often to the same household, and occasionally become targets of the violence. Few officers have been properly trained to handle these volatile calls and, as a result, often use their own discretion and instincts to resolve them.

Wide variations in police responses to these calls have been the norm for many years. Not only have police been pressured to focus their resources on violent street crime, but they have reflected a larger cultural tradition which regards family matters as private. During the past few years, however, as spouse abuse has dramatically emerged as a major social problem, public scrutiny has focused on all aspects of the problem. Police have been singled out for particularly harsh criticism for failure to provide victims with adequate protection and for not making arrests in cases involving felony assaults.

Criticisms such as these, to the extent that some of them are valid, can be made only as a result of a substantial revision in the perception of the spousal violence problem itself. This process of revision began with a recognition of the severity of the child abuse problem in the 1960s and was heightened by the rape prevention movement, which then focused on other forms of violence directed at women. Wife beating emerged as a substantial problem, and further study disclosed widespread use of violence among couples of all economic and racial groups. Much of the current attention is focused on understanding the dimensions of the wife beating problem and how to control it. Once accepted as a legitimate aspect of male dominance of family life (or female masochism), wife beating is

now seen as a complex pattern of criminal abuse involving learned helplessness and economic dependence in women victims and learned aggression and social isolation in men assailants. The problem is regarded as particularly acute, not only because it often involves child abuse, but also because the violent behavior patterns often are transmitted to succeeding generations.

The severity of spouse abuse and wife beating problems that has recently emerged is different from that traditionally thought to be involved in family fights. Poverty and alcohol abuse, commonly considered direct causes of family violence, are now understood to be contributing factors. Moreover, the right of a man to discipline and physically punish his wife, permitted under colonial laws, and even state law until the last century, has been rejected.

The traditional police response to these calls, emphasizing crisis intervention skills and reconciliation of the parties, is inappropriate and unhelpful in cases involving serious injury or repeated abuse, nor is it effective in reducing the number of spouse abuse cases. In fact, it may aggravate the problem by suggesting to assailants that their violent behavior can be overlooked.

The need for a new police response to spousal violence calls is clear, both to provide adequate protection to the victims and to ensure the safety of the responding officers. New perceptions of this major social problem have resulted in pressures for effective solutions, not the least of which will be an appropriate and humane police response.

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Responding To Spouse Abuse & Wife Beating

A Guide For Police

1

INTRODUCTION

In recent years, family violence has become an increasingly visible and important social issue. Public awareness of family violence began to develop during the late 1960s, when child abuse was identified as a major problem. More recently, spouse abuse and wife beating have been acknowledged as equally serious; many consider these assaults to be among the most frequent and underreported crimes in the United States. Almost 10,000 homicides a year occur among family members; the victims of lesser forms of family violence are estimated to number several million each year. Further, the effects of such violence are not confined to family members. The FBI estimates that a significant number of assaults on police officers occur while they are investigating family fights.

Once rarely acknowledged, spousal violence is now the subject of numerous books, research grants, television programs, and state and federal legislation. Community standards are rapidly shifting and political pressure is rising to regard spouse abuse and wife abuse as criminal behavior. "Spouse abuse" is usually defined as acts of violence between sexual partners, married and unmarried, who are living together or who previously lived together. From a purely statistical point of view, these acts seem to be committed as often by women as by men, although they are usually more intense and severe when committed by men. "Wife beating," on the other hand, is a particularly common form of spouse abuse

in which a woman is subjected to recurring assaults by her husband or boyfriend.

Increased involvement of the criminal justice system has been advocated as a primary means of reducing spouse abuse and wife beating. Particular pressure is being placed on the police to intervene more directly in these cases in order to protect the victims and arrest the assailants. Some officers resent this trend because they, along with many citizens, believe these cases are private matters and not a part of "real" police work. Trained, socialized, and rewarded to apprehend and arrest felons, they often resent the victims for distracting them from their preferred crime-fighting activities. Moreover, their frustration often turns into either hostility or indifference when they repeatedly encounter victims who are routinely beaten and who either fail to press charges or return to the battering relationship. If these victims refuse to help themselves, the officers conclude, then there is little they can do for them. This attitude is further complicated by the beliefs held by some officers that many of the victims provoke the attack and only get what they deserve, or that the couple is engaged in a sadomasochistic relationship. More often than not many of the real reasons why women stay in battering relationships, namely economic dependence, fear, and learned helplessness, are not apparent.

Other police officers willingly accept intervention into spousal violence cases as a legitimate part of their service and order-maintenance functions. They are more concerned with their lack of training to handle these calls effectively. They may be particularly sensitive to the physical danger these calls pose for all police officers and, as a result, respond in a hasty and superficial manner. Many officers have found spouse abuse and wife beating to be frustrating problems because, until recently, there have been no social services or shelters to which they could refer victims or assailants for long-term assistance. Even when services are available, officers can become frustrated and indifferent because they are seldom able to find out from the agencies whether their intervention was helpful.

The new emphasis on arrest in spouse abuse and wife beating cases is of particular concern for many police officers. Until recently, police in most jurisdictions were trained to avoid arrest or were restricted by statute and could make an arrest in a misdemeanor assault case only if the assault occurred in their presence. New laws, however, are greatly expanding police arrest powers in these cases, making probable cause sufficient for a warrantless misdemeanor assault arrest. In fact, some statutes now require an arrest in felony cases. Although it is too early to judge the effectiveness of this requirement, many police officers report positive results because it gives them the necessary authority to take decisive action. The mandated training and publicity resulting from such statutes also appear to make officers sensitive to the criminal nature of these assaults. However, some officers resent arrest mandates as intrusions on their professional judgment and flexibility, while others regard them as a narrow-minded approach that will have minimum effect on the overall problem. Many officers would like to retain their discretion to refer certain couples to diversionary programs outside the criminal justice system, such as a domestic violence counseling program or a dispute settlement center, or to civil court for a restraining order. Painfully aware of the overcrowding and delays in the criminal justice system, they believe that a singular reliance on arrest in response to these calls is neither realistic nor effective.

Another important concern for many officers is the increased threat of civil liability litigation as a result of these new arrest requirements. Facing greater public scrutiny of their performance, officers are particularly susceptible to charges of false arrest, false imprisonment, and improper or excessive use of force. Noting these risks, many state legislatures are limiting officers' civil and criminal liability in their new domestic violence statutes.

Many of these concerns are legitimate and should be weighed carefully by lawmakers and police officials. Nevertheless, the emphasis on arrest, particularly in cases involving serious physical injury, use of a deadly weapon and/or violation of a restraining order, can be regarded as a positive

development that will benefit both police officers and victims. It not only underscores the seriousness and danger involved in these calls, but it also provides officers with a legal mandate to prevent further deterioration of violent conflicts. Moreover, it assures the victims that help is available and that their rights to police protection will be safeguarded.

Changes in emphasis of police interventions illustrate the continuing problem that family crises have always posed for police agencies. These crises raise such constitutional questions as conflicts between the right to privacy and the right to equal protection under the law for each family member, as well as challenge cultural traditions which place a high value on harmonious family life. Nevertheless, police have tried to handle these difficult calls, usually by incorporating crisis intervention training into their recruit training curriculum. Despite increased training, most police officers still are not equipped to handle the more serious calls for intervention in spouse abuse and wife beating, primarily because the training that officers have received to handle "domestic disturbances" is not only irrelevant but also counterproductive. The techniques of mediation and negotiation, particularly, are applicable only in spouse abuse cases that do not involve the use of violence. In cases involving physical injury as the result of an assault or aggravated assault, however, a criminal investigation and arrest procedures are more appropriate.

The failure to make the distinction between domestic conflicts that involve the use or threatened use of violence and those that do not is responsible for much of the confusion and poor police performance. By combining all family calls into one broad category and assigning it a low status, important distinctions have been overlooked, procedures have remained irrelevant, and most important, the victims and police officers have suffered repeated brutality.

The failure to make these distinctions is not unique to the police profession. Until recently, both social service agencies and the judiciary were committed to a philosophy and practice of keeping the family unit together at all costs. The family, as the basic social unit of society, was regarded as sacred and instrumental to the maintenance of a civilized social order. This

commitment to preserving the family unit is slowly being replaced with a more realistic approach which provides support to troubled couples who seek a divorce.

Social service agency staffs have been particularly unprepared to respond to the spousal violence problem, as they are not structured to respond quickly to emergency situations which occur primarily at night and on weekends. Moreover, they are handicapped by a professional orientation which both values keeping families together and looks for the cause of the problem in personality disorders of the couple, to the exclusion of cultural pressures and destructive patterns of family life. In fact, some social service workers and psychologists have treated victims of spouse abuse as masochists who "needed" the abuse.

The changing status of American women has accelerated changes in family policies, as women's massive entry into the labor market has freed them from a singular dependence upon marriage for economic survival. Many women who were involved in unhappy or violent marriages now may have a more realistic opportunity to leave and support themselves. In addition, the efforts of women's rights groups on behalf of rape victims during the early 1970s paved the way for a new awareness of other forms of violence directed at women. Wife beating has emerged during the past few years as a major focus of women's rights groups across the nation, many of which are now providing women victims and their children with protective shelter and support services.

Many police agencies are unprepared for this sudden and intense interest in spouse abuse and wife beating. They are defensive about the harsh criticism leveled at officers' handling of these cases, especially since many of the more serious cases never come to police attention and since most police are still restricted by statutes from making arrests in misdemeanor assault cases that did not occur in their presence.

It is helpful to realize that the societal response to spousal violence problems is embryonic and that no social institution has yet developed effective or adequate procedures for handling them. Police, attorneys, the judiciary, social service agencies, and women's rights groups all will be grappling with the

problem of how best to respond during the next few years and there will be much experimentation. Already the federal Law Enforcement Assistance Administration; ACTION, the national agency for voluntary services; the Community Services Administration; and the National Institute on Alcohol Abuse and Alcoholism are funding demonstration grants to test various approaches to reducing domestic violence. In April 1979, following President Carter's formation of an Interdepartmental Committee on Domestic Violence, the Secretary of Health, Education and Welfare established an Office on Domestic Violence which, in cooperation with the Law Enforcement Assistance Administration, is supporting a national clearing house for all sources of federal aid to groups assisting battered spouses.

This report is directed at police officials who want to do something to improve their departments' handling of spouse abuse and wife beating calls. It is designed to provide guidance to police executives and supervisory personnel in the development of policies and procedures, as well as to offer suggestions about training programs. It does not attempt to endorse a rigid set of rules, but rather to establish a framework in which effective police services may be organized.

METHODS AND STUDY DESIGN

Research and preparation for this report was conducted during visits to 17 police departments* in the spring of 1979 and personal interviews with more than 50 police officials.

*Brattleboro (VT) Police Department; Cleveland (OH) Police Department; Cumberland County (NC) Sheriff's Department; Dade County (FL) Public Safety Department; Delaware State Police; Fayetteville (NC) Police Department; Gary (IN) Police Department; Lynn (MA) Police Department; New Rochelle (NY) Police Department; New York (NY) Police Department; Salem (MA) Police Department; Santa Barbara County (CA) Sheriff's Department; Santa Barbara (CA) Police Department; Westchester County (NY) Sheriff's Department; White Plains (NY) Police Department; Wilmington (DE) Police Department; and Yonkers (NY) Police Department.

Another 25 police departments were contacted by mail for copies of their policies, procedures, and training program materials. In order to get a balanced view of official police policy and actual patrol officer performance in handling these calls, 130 patrol officers from the 17 departments completed questionnaires about their arrest practices, use of referrals, and evaluation of training programs.

Many social scientists, social service professionals, members of women's rights groups, and attorneys also were consulted. The literature on family violence was reviewed, as was the literature on police crisis intervention and police reform. Every attempt was made to present an integrated, effective, and practical police response.

The report is divided into five chapters in addition to this introductory chapter. Chapter 2 reviews the nature and extent of the spouse abuse and wife beating problems. Chapter 3 discusses current police practices and handling of these calls and reports the results of a survey of 130 police officers conducted for this project. Formulating policy guidelines is the subject of Chapter 4. It includes a discussion of different methods of policymaking as well as relevant issues for police handling of this problem. Chapter 5 describes suggested operational procedures for responding to these calls, and Chapter 6 reviews the elements of an effective training program for police to learn how to handle spouse abuse and wife beating.

The scope of this report is limited to spouse abuse and wife beating, although other forms of family violence, namely parent abuse, sibling abuse, child abuse, and incest, are equally important problems that require attention by the law enforcement profession. Because spouse abuse and wife beating have only recently surfaced as social crises, they require the development of new and separate police policies and procedures. Combining these with procedures for other forms of family violence would only blur the necessary distinctions needed for effective police action. Child abuse and incest are substantially different problems from spouse abuse and wife beating and, therefore, must themselves be the subjects of careful analysis and policy formulation.

Joint use of the terms "spouse abuse" and "wife beating" is intended to describe the range of violent acts, excluding rape, between sexual partners who are living together and who previously lived together. Although many women act violently toward their husbands or boyfriends, most of the references in this report correspond to sex role stereotypes—namely women as victims and men as assailants—for several reasons. First, the overwhelming majority of spouse abuse calls that police receive involve a woman victim. In many of the remaining cases, in which the man has been injured, the woman has acted in self-defense from potential harm. Second, the results of violent acts committed by men often are more severe than those committed by women and, therefore, are more likely to be subject to police intervention. Women are generally smaller than men, less familiar with weapons, and often physically helpless. As a result, the physical harm inflicted by their acts of violence is often minor. Third, women victims are more likely to call the police for help than are men victims. This may be a result of the man's embarrassment at being assaulted, his difficulty in asking outsiders for help, or, simply, his belief that he can remove himself from the relationship whenever he may choose to do so. Thus, the use of these sex-stereotyped references is not meant to deny or minimize the harm done by women's use of violence, but only to be accurate in describing the roles most commonly found in the spousal violence cases in which police become involved. This situation may change in the next few years if male victims become more aware of their plight and are offered services designed specifically to help them.

2

UNDERSTANDING SPOUSE ABUSE AND WIFE BEATING

Spouse abuse can be defined most simply as the intentional use of physical force by one partner against another partner. Wife beating, on the other hand, is a form of spouse abuse in which a woman is subjected to a pattern of recurring assaults by her husband or boyfriend. Some theorists wish to include psychological and emotional violence in these definitions, but because physical violence is easier to document and more likely to be subject to legal prohibition, it alone is the subject of this report.

One problem involved in discussing spousal violence as a social problem is that many people consider it to be acceptable behavior. Thus, questions about "normal" amounts of violence inevitably arise when attempting to define the problem. Some social theorists suggest that parents spanking their children constitutes family violence, while others assert that a certain level of "moderate" violence is to be encouraged as a catharsis, or release, against outbreaks of more serious violence. Because different cultures tolerate widely different levels of violence between spouses, there are varied definitions of the nature and extent of the problem.

Nevertheless, there have been recent attempts to define spouse abuse and wife beating in such a way that it can be measured accurately and compared over time. One of the most respected authorities on family violence, Dr. Murray Straus of the University of New Hampshire, has developed a physical

violence scale on which the components of these forms of violence can be recorded.[1] It includes the following actions:

- Throwing things
- Pushing, shoving, or grabbing
- Slapping
- Kicking, biting, or hitting with fist
- Beating up
- Threatening with knife or gun
- Using knife or gun

Efforts of state legislators to define and prohibit acts of spousal violence have been ineffective. In fact, colonial laws actually sanctioned the use of physical force by a man to punish his wife and children.[2] Statutes forbidding such actions were not enacted until the 1870s and rarely were enforced in subsequent years. By the same token, the courts have not been particularly helpful in addressing this problem, nor in protecting women from abusive husbands.[3] Only in the past few years have courts accepted self-defense pleas by battered women who killed or injured their husbands or boyfriends.[4]

During the last few years, state legislators have begun to make serious legislative efforts to reduce spouse abuse (see Appendix A.2 for a state-by-state summary of domestic violence statutes). In 1976, Pennsylvania lawmakers enacted a "Prevention From Abuse Act"[5] (see Appendix A.1) in which they defined abuse as:

> Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon;

and,

> Placing by physical menace another in fear of imminent serious bodily injury.

In California it is a felony for anyone to beat a person of the opposite sex with whom he or she is living.[6] Under this law, it is not necessary that the victim and the attacker be married or related to each other. However, the victim must suffer a "corporal injury resulting in a traumatic condition" for it to be considered a felony crime. Using another approach, New York legislators have expanded the jurisdiction for certain family

violence cases from Family Court to include concurrent jurisdiction by the Criminal Court. The legislation includes:

> Any proceeding concerning acts which would constitute disorderly conduct, harassment, menacing, reckless endangerment, as assault or an attempted assault between parent and child or between members of the same family.[7]

These statutes suggest a growing national trend in which lawmakers are acknowledging the seriousness of spousal violence cases as well as the existence of the specific offense of spouse abuse. They are not only granting criminal court jurisdiction to these cases, but also assigning felony status to certain spousal assaults. The state-by-state analysis and comparison of domestic violence statutes contained in Appendix A.2 reviews provisions for civil remedies and injunctive relief, shelter services, data collection requirements, police training requirements, and criminal proceedings.

EXTENT OF THE PROBLEM

The precise amount and frequency of spouse abuse and wife beating in America have not yet been determined. Social scientists have until recently ignored the problem and police crime records do not allow easy identification of these incidents. Evidence is rapidly accumulating, however, that suggests the problem occurs more frequently and among more couples than previously thought. Because so few studies have been conducted, it is difficult to determine the accuracy of any precise figures. In addition, two aspects of the problem almost ensure underestimation. On the one hand are the shame and guilt experienced by the victim and assailant respectively, and on the other hand is the tendency of some couples to accept high levels of violence as normal and, therefore, not worth reporting.[8]

Progress toward an accurate assessment of the extent of spouse abuse is slow. Professor Murray Straus of the University of New Hampshire recently completed the first study of family violence based on a representative national sample of 2,143 couples, married and unmarried.[9] The most startling statistics emerging from his study were that 3.3 percent of the

respondents reported one or more wife beatings and 4.5 percent reported one or more husband beatings during the 12-month period preceding the interview. Projected to the nation's 47 million couples, these figures mean that, in any one year, almost 1.78 million wives and 2.16 million husbands are the target of some form of violence at least once by their spouses. When data for divorced couples are added to these findings, Straus concludes:

> The true incidence rate for any use of violence in a marriage is probably closer to 50 or 60 percent of all couples than it is to the 28 percent who were willing to describe violent acts in a mass interview survey.[10]

Straus also notes that couples who are not married experience the same or greater levels of violence than married couples. If regular sexual activity becomes part of a relationship, he found, the violence rate jumps dramatically.[11] Another academic researcher, Dr. Richard Gelles of the University of Rhode Island, found that a disproportionately large number of wife beatings occur when the woman is pregnant.[12]

Critics of Straus's study charge that it fails to emphasize different types of violent acts or to follow up to determine the resulting injuries. Women, for instance, are usually more seriously injured than men because men use more brutal forms of violence and more weapons against women than women, because of their limited physical strength, use against men. Although the number of so-called "husband beatings" in Straus's study exceeded the number of "wife beatings," it is likely that the men victims suffered significantly less injury than the women victims.

Many theorists believe that domestic violence is found among all socioeconomic and racial groups; others believe that it is confined to certain population groups, such as alcoholics, psychotics, or the unemployed. Straus's national survey found the reality to lie somewhere in between.[13] Every social group, regardless of race or income, experienced some level of spousal violence, but some families were more likely to be violent than others: families living in large urban areas, minority racial groups, individuals with no religious affiliation, people with some high school education, families with low incomes, blue

collar workers, people under 30, families with an unemployed father, and families with four to six children. Overall, Straus found that spousal violence is most common among young families with several young children.

A 1979 telephone survey of 1,793 Kentucky women also found high levels of violence in all population groups.[14] However, women living in urban and suburban areas reported significantly higher levels of violence than women living in towns or rural areas, and women with a high school education were victimized more frequently than those with either an eighth grade or college education. More than twice as many nonwhite women (23 percent) as white women (9 percent) reported one or more episodes of violence, and 12 percent of the families with an income of less than $7,500 reported at least one violent episode compared with 7 percent of the families with an income of $25,000 or more. The researchers concluded that the highest levels of spousal violence in Kentucky are found among nonwhites, urban families, and younger families.

Underreporting for all crimes has been amply documented by LEAA's victimization surveys, which found actual crime to be as much as five times greater than the amount reported to police. So it is with spouse abuse. Studies of battered women in both Denver and Kentucky, for instance, found that only one out of ten of these women ever called the police.[15] Failure to report stems primarily from the victims' shame and fear, as well as from their belief that the police can be of no real help. Also, they may accept the violence as acceptable behavior and not worth reporting, or they may believe their injuries were not serious enough to warrant reporting.

Official police reporting procedures also contribute to the lack of information about spouse abuse and wife beating. Although family fights usually are recorded in the general domestic disturbance category, the more serious conflicts are recorded in other crime categories. For instance, a police department study of 1,727 domestic violence cases in San Jose during a six-month period (July through December 1977) showed the following as the primary offense involved in these cases:[16]

Offense	Number of Cases	Percentage of Total
Homicide	6	.3
Rape	7	.4
Robbery	7	.4
Aggravated Assault	269	15.6
Residential Burglary	16	.9
Other Sex Felony	33	1.9
Other Felony	25	1.5
Simple Assault	809	46.8
Theft	6	.3
Disturbing the Peace	453	26.2
Malicious Mischief	63	3.6
All Other Misdemeanor	33	2.0
TOTAL	1,727	100.0

Overall, 404 cases, or 23.4 percent, of the total domestic violence cases resulted in actual injury. An additional 491 cases, or 28.4 percent, resulted in simple battery, i.e., pushing, shoving.

The weapons involved in the 1,727 cases were as follows:

Weapon	Number of Cases
Handgun	86
Rifle	26
Shotgun	20
Knife	121
Hands/Fists	786
Bludgeon	40
Other Weapon	138

The enactment of new laws identifying domestic violence or spouse abuse as a specific offense will allow more precise recordkeeping. An example is a 1977 Minnesota statute[17] requiring all law enforcement officers and medical agencies to report all battering cases to the Minnesota Department of Corrections' Division of Programs and Services for Battered Women which, in turn, publishes an annual summary report.

CONTRIBUTING FACTORS

There are many factors which contribute to the incidents of spouse abuse and wife beating. Among these are the in-

dividual spouses' psychological makeup and family history, as well as larger cultural forces which shape their attitudes and behavior. Among these forces are that

- the family as a social group is characterized by a high level of conflict because of the intensity of involvement and constant exposure among its members.
- the United States is fundamentally committed to the use of violence to maintain the status quo or to achieve desirable changes.
- child-rearing patterns typically employed by American parents train children to be violent, which makes violence in the family acceptable, builds violence into the most fundamental levels of personality, and establishes a strong link between love and violence.
- male dominance of the family is accepted, with a corresponding tendency to use physical force to maintain that dominance when it is threatened.[18]

All of these factors must be seen in relation to each other, however, as it is precisely the combination of factors that triggers the abuse.

Many people believe that *alcohol abuse* is a leading factor in spouse abuse. In many situations, both the victim and the assailant will dismiss the violent outburst as an unfortunate side effect of heavy drinking. Although many spouse abusers have been drinking at the time of the assaultive incident, it is unclear whether they act violently because of the inhibition-reducing effects of the alcohol or if they drink in order to have a ready excuse for their violent behavior. It is also unclear whether the abusers act violently only when they drink or if they drink regularly but act violently only on occasion. Studies conducted on this topic often contradict each other. One study of 962 families in Harlem revealed that the disputes did not appear to be caused by or characterized by alcohol use and, further, the offending party was less likely to be assaultive if he or she had used alcohol.[19] A subsequent study of 344 domestic disturbance calls in Norwalk, Connecticut, found no causal relationships between alcohol use and assaultiveness.[20]

Alcohol use by either party was found in three-fifths of the assault cases and in slightly more than half of the nonassault cases. And, in a study of conflict-motivated domestic homicides and aggravated assaults in Detroit and Kansas City,[21] the most reliable factors in predicting the use of physical force were found to be, in the order of importance, the presence of a gun, a history of previous disturbances among the parties, and the presence of alcohol. This study did conclude, however, that alcohol-related problems were an important factor in cases in which an arrest was made.

Poverty is also cited as a major factor in spousal violence. It is true that poor people suffer stress from economic hardships, and there is some evidence to suggest that they engage in spousal violence more often than people in higher economic groups.[22] It also may be true that poor people who engage in spouse abuse call the police for assistance more often than people of higher economic means who engage in the same behavior.

VICTIMS AND ASSAILANTS

Spouse abuse among both married and unmarried couples is much more common than previously thought. While police are most concerned with the consequences of this violent behavior, they need to understand both the social and personal roots of the problem. This is a difficult venture in any circumstance but is even more challenging in the case of spouse abuse because the violent behavior appears to be so widespread that many people consider it a normal response to conflict. As noted earlier, some couples are more violent than others, although all income and racial groups share the problem. These couples have one thing in common: they use violence to handle stress and conflict. Some couples act violently often, others only once or twice during their adult lives. In some situations the couple is deeply involved in patterns of mutual abuse and repeatedly use violence against each other. Many of these couples tend to confuse hitting with discipline and use violence against their children, who grow up and repeat their parents' abusive behavior. In other cases, the so-called victim provokes the violence or even strikes the first

blow. Sometimes violence is used as a means of self-defense. Reduction of many of these spouse abuse problems might be achieved by teaching the couples how to resolve their conflicts in nonviolent ways, such as discussion and negotiation.

The wife beating problem, on the other hand, is more complex than spouse abuse because so few battered women seek help. In addition, it is complicated by the fact that many people think it is acceptable for husbands to use physical force to punish their wives, behavior that was permitted by many state statutes until the 1870s. As a result, few of these cases ever come to police attention and, in many that do, the victim denies or minimizes the severity and frequency of the violent acts. It is little wonder that social service staffs and police have neither recognized this problem nor responded effectively to the victims' needs for protection and emergency shelter. Recent research efforts and education programs, however, have raised both victims' and citizens' awareness about the criminal nature of this violence and the need for intervention.

A proper understanding of the nature of the wife beating problem involves an examination of both victims and assailants. It also involves an examination of the patterns of abuse involved in these cases. One prominent theorist suggests there is a definite cycle of abuse, rather than random occurrences as previously thought. Although this theory has not yet been proved true, the cycle appears to have three distinct phases which vary in time and intensity among couples (see Appendix B.1 for a complete description of the cycle theory of battering). They include:

- the tension building phase;
- the explosion or acute battering; and
- the calm, loving phase.

The intensity of the third phase, in which the assailant is extremely loving and contrite, tends to overwhelm the victim and persuades her to stay in the relationship. It has been suggested that the pleasant nature of this phase may lead some women to precipitate the beating in order to get to the third phase sooner rather than later, since they know it invariably follows the beating. Because social service and legal agency staffs tend to see the victims during this final stage, it is not

surprising that their efforts meet with relatively little success in persuading these women to stay away from their husbands or boyfriends. These victims often return to their battering relationships.

A closer look at the individuals involved in the wife beating problem reveals that few stereotypes are true. The victims include rich and poor women, from all ethnic and religious groups.[34] Many factors lead to this victimization, especially the traditional upbringing many of these women received as "daddy's little girl." They were taught to be and rewarded for being "sweet," "nice," and dependent upon men for economic survival and emotional identification. Many of these women come from homes in which their mothers were beaten; they are inclined to accept spouse abuse as a "normal" part of marriage and, thus, they return to the battering relationship time and time again.

Many battered women are economically dependent on their husbands. This is a primary reason many abused women do not leave: they have no money, no jobs, and little hope of getting either. For many battering couples, there is great emphasis on the man as head of the family and as the breadwinner who controls the family finances. Even many "affluent" wives are dependent on their husbands' earnings.

The low self-esteem of many victims is reinforced by their economic dependence and by the physical abuse itself. According to a Training Key on Wife Beating developed by the International Association of Chiefs of Police (IACP):

> The humiliation and shame of being assaulted time and time again by someone who is intimate must create grave doubts about one's worth. The self-image of the abused wife may drop to the point where she believes she is responsible for and deserving of abuse.

Fear of husband reprisal also contributes to keeping abused women in the battering relationship. Social isolation from family and friends is also a factor, as many battering couples tend to stay to themselves and have limited, superficial social contacts.

Battered women, in short, do not know how to get out of their relationships. They strongly believe in the institution of

marriage and in traditional sexual roles for men and women. Further, they believe that their primary roles are to make their marriages work and to tend to the emotional and physical needs of their spouses and children. As a result they believe they are to blame for the marriage conflicts and violent episodes. Trapped by limited perceptions of themselves, many of these women also have had disastrous experiences when they have sought help. Doctors tend to prescribe tranquilizers for them, clergymen advise them to be more tolerant and understanding of their spouses, friends accuse them of doing something to provoke the attack, and police often don't respond effectively to their calls for assistance.

In contrast to the state of knowledge about battered women, relatively little is known about battering men. This is an ironic state of affairs, since one of the most direct ways to reduce the problem would be to alter the behavior of men who are motivated to beat women. It also reflects the very real difficulties involved in identifying these men for research studies and treatment programs.

One characteristic of the wife beater that seems quite common is that he was probably raised in a violent home in which his mother was beaten or in which his parents beat each other and their children. One study of 70 abusers revealed that at least 63 percent either witnessed or experienced physical abuse while they were growing up.[25] Similarly, a British study of abusive husbands revealed that 74 percent of them had a drinking problem and more than half had witnessed their fathers assaulting their mothers.[26] Thus, it is probable that many abusers were beaten as children, resulting in a "higher tolerance for violence which follows them through life."[27]

In many ways, the assailant and his victim share many personality characteristics, which is one reason why both are often literally trapped in their relationship.[28] The men generally feel as powerless as their victims, but about different issues. While the women may have a general feeling of inability to change their life situation, many of the men feel inadequate and unable to fulfill the masculine image of strength and control. They are also inclined to use violence as a way to feel powerful and superior to others.

One study[9] of battering men involved in a pilot treatment program at the American Lake Veterans Hospital in Tacoma, Washington, found the men to be excessively possessive and jealous about their partners. For example,

> One man's wife was fired from her job because he called her sixteen times a day to check on her whereabouts. Before she was fired, he insisted that she stop taking her lunchbreak out of the office because he was fearful of her meeting someone and starting an affair. Her compliance did not reassure him as he then went to her office each day to sit with her while she ate.

Also, the men seem to have few friends and have difficulty in identifying many of their emotions except as anger. Frustration, guilt, and disappointment get lumped together and are expressed as anger. Some of the men were found to suffer periodic depressions and sometimes were suicidal as a result of their own recognition and disapproval of their violent behavior. The study also states,

> One characteristic that seems common in most men who batter is a pattern of minimizing and denying. They tend to minimize the seriousness of their violent behavior to themselves as well as to others. Although at one time they may answer in detail specific questions about their severe beatings, they may then turn around and say "it wasn't that bad." Even in a treatment program they will alternate between full recognition of their violence to a denial that they have any problem with it.

It would be a mistake to oversimplify the reasons why some men beat women. Little is known to date about the nature of their violent behavior and even less about its origins. Many people who work with battering men, however, believe the violence is a learned response to conflict and frustration that has been transmitted from one generation to the next. Others theorize that genetic predispositions and hormonal imbalances may be contributing factors to violent behavior. Obviously, much research is needed before assailants can be understood and helped.

This is not to suggest that many of these men might not benefit from immediate therapy. The opposite is true.

However, according to administrators of the pilot program in Tacoma, no treatment program should be patterned on traditional individual psychotherapy or marriage counseling. In such types of therapy both partners often minimize or deny the beatings and the sessions do not provide an accurate picture of the batterer's emotional state.[30]

SUMMARY

Spouse abuse and wife beating remain complex and little understood social problems. Until recently, they were hidden behind myths about the loving all-American family which traditionally has been portrayed as close-knit and warmly affectionate. To the contrary, recent research reveals that many American couples are quite violent and abusive to each other and their children. Less is known about why there is so much violence and what causes it.

That American society is violent and that women suffer sexual discrimination explain some of this violence, but not all of it. Why, it remains to be answered, do people who love each other continue to hurt each other? Those who attempt to answer this fundamental question should consider that spouse abuse and wife beating seem to be part of a self-perpetuating cycle of family violence that affects parents as well as children. Children of many violent couples are also beaten and abused; it is not surprising, then, to see these children grow up to repeat their parents' abusive behavior. Clearly, it is the family which teaches children about the nature of love and marriage, as well as how to respond to stress and conflict. In too many families children have permanently linked love with violence. Those who work with these difficult and complex problems must consider the long-range nature of the work before them and not be fooled by surface successes. Protecting spousal violence victims is only a first step in the overall process of eliminating violence as an acceptable response to family conflicts.

Chapter 2 Notes

1. Murray Straus, "The CRT scales for measuring conflict in families," paper presented at the 1976 Meeting of the National Council on Family Relations. (Mimeo).

   Straus has examined not only the frequency of these actions but also has studied the roles of the persons involved. He found:

   - husbands have higher rates for the most dangerous and injurious forms of violence, such as beating up and using a knife or gun;
   - when violent acts are committed by a husband, they are repeated more often than is the case for wives;
   - wives act violently toward their husbands in many cases, as a self-defense measure against violence started by their husbands; and
   - husbands have superior physical strength over their wives causing beaten wives to be more seriously injured than if they assaulted their husbands.

   See Murray Straus, "Wife Beating: Causes, Treatment and Research Needs," in *Battered Women: Issues in Public Policy* (Washington, D.C.: U.S. Civil Rights Commission, 1978), 470.

2. In colonial times, a husband had the right "to whip his wife, provided he used a switch no bigger than his thumb," and an early Pennsylvania ordinance expressly forbade a man to beat his wife after ten o'clock at night or on Sundays. Gradually, states passed laws prohibiting husbands from committing even a slight assault upon their wives, but enforcement of these laws is virtually nonexistent. In some states a wife cannot bring criminal charges against a husband who assaults her and, if she is allowed to bring charges, the rules of evidence require a greater degree of injury than an assault charge between unmarried persons. See Robert Calvert, "Criminal and Civil Liability in Husband-Wife Assaults," *in* Suzanne Steinmetz and Murray Straus (eds.), *Violence in the Family* (New York: Dodd, Mead, 1975), 89; and Del Martin, *Battered Wives* (San Francisco: Glide Publications, 1976), 32.

3. The Mississippi Supreme Court ruled, in *Bradley* v. *State* (1829), that a husband should be allowed to chastise his wife moderately without being inhibited by the court. In 1864, a North Carolina court, in *State* v. *Black*, held that the court should not meddle in wife beating unless there is evidence that some enduring injury is inflicted or that there is an overwhelming amount of violence. It was not until 1871 that a court ruled that husbands no longer possessed the right to beat their wives (*Fulghnan* v. *State of Alabama*). Despite these rulings, many courts continually refused to permit abused women to bring suit. In 1910, the U.S. Supreme Court ruled that a wife did not possess a cause of action for assault and battery against her husband because "the peace and security of the home were considered too important to be dragged through the courts."

For discussion of court rulings see Ohio Task Force on Domestic Violence, *The Report from the Attorney General's Task Force on Domestic Violence*, (Columbus, Ohio: Office of the Attorney General, March 1978),11.

4. Wayne King, "Right of Women to Self-Defense Gaining in Battered Wife' Cases," *New York Times*, May 7, 1979.

5. Pennsylvania Penal Code 35 P.S.A. Sec. 10181.

6. California Penal Code, Sec. 273.5.

7. The Laws of New York, 1977, Chapter 449, Section 812.2.

8. Murray Straus, "Wife Beating: Causes, Treatment and Research Needs," 467.

9. *Ibid.*, 465. See also Murray Straus, Richard Gelles, and Suzanne Steinmetz, *Behind Closed Doors: Violence in the American Family* (New York: Anchor/ Doubleday, 1980).

   Dr. Straus is the director of the Family Violence Research Program at the University of New Hampshire (128 Horton Social Science Center, Durham, N.H. 03824), which maintains an extensive information clearinghouse and conducts research on many aspects of family violence. Current research projects are examining the link between family violence and adult male violence outside the home and the effects of intervention in family violence by friends, relatives, and human service agencies.

10. *Ibid.*, 468.

11. *Ibid.*

12. Richard Gelles, "Violence and Pregnancy: A Note on the Extent of the Problem and Needed Services," *The Family Coordinator* 24, January 1975, 81-86.

13. Richard Gelles, "The Myth of Battered Husbands," *Ms. Magazine*, October 1979, 108.

14. Lou Harris and Associates, Inc., *A Survey of Spousal Violence Against Women in Kentucky* (Frankfort, Kentucky: Kentucky Commission on Women, 1979).

15. See Leonore Walker, "Treatment Alternatives for Battered Spouses," *in* Jane Chapman and Marge Gates (eds.), *The Victimization of Women*. (Beverly Hills, Calif.: Sage Publications, 1979), and Lou Harris and Associates, Inc., *A Survey of Spousal Violence Against Women in Kentucky*.

16. Crime Analysis Unit, *Domestic Violence in San Jose* (San Jose: Police Department, March 15, 1978).

17. Minnesota State Statutes, Section 5186.01 (1978). *The Domestic Abuse Act.*

18. Murray Straus, "Wife Beating: How Common and Why?" *Victimology* 2, November 1977.

19. Morton Bard, *Training Police as Specialists in Family Crisis Intervention* (Washington, D.C.: U.S. Government Printing Office, 1979).

20. Joseph Zacker and Morton Bard, "Further Findings on Assaultiveness and Alcohol Use in Interpersonal Disputes," *American Journal of Community Psychology* 5, 1977.

21. G. Marie Wilt, *et al., Domestic Violence and the Police* (Washington, D.C.: Police Foundation, 1977).

22. A study of domestic disturbance calls in Norwalk, Connecticut, found assaults occurred in 28 percent of disputes in which at least one party was "wealthy," in 29 percent of those in which at least one party was of "average income," and in 44 percent of the cases where both parties were "poor."

    See Joseph Zacker and Morton Bard "Further Findings on Assaultiveness and Alcohol Use in Interpersonal Disputes," 378.

    In a study of divorce applicants, Levinger found a 40 percent rate for "physical abuse" in the working class compared to 23 percent among middle class respondents. These findings again are limited because they are based only on a particular group, i.e., divorce applicants, and do not examine the greater financial resources of the middle class couples which may have allowed greater escape mechanisms when faced with spouse abuse.

    George Levinger, "Sources of Marital Dissatisfaction Among Applicants for Divorce," *in Families in Crisis* (New York: Harper and Row, 1970), 126-32.

    A study of wife abuse in one of the nation's wealthiest counties, Montgomery County, Maryland, found that there were 650 reported wife assaults during a 12-month period.

    See Montgomery County Council, *A Report by the Task Force to Study a Haven for Physically Abused Persons* (Rockville, Md.: County Council, 1975).

23. Dr. Leonore Walker, a psychologist at Colorado Women's College, has identified some common psychological characteristics among battered women:

    - Low self-esteem;
    - Believes all the myths about battering relationships, such as the women must have somehow "caused" the assault;
    - Is a traditionalist at home with strong beliefs in the family unit and in the stereotype feminine role of inferiority and passivity;
    - Accepts responsibility for her batterer's actions;
    - Suffers from guilt but denies the terror and anger she feels;

- Presents a passive face to the world but has the strength to manipulate her environment sometimes to prevent further violence;
- Has severe stress reactions with psychophysiological complaints;
- Uses sex to establish intimacy; and
- Believes that no one will be able to help her resolve her predicament except herself.

See Leonore Walker, *The Battered Woman* (New York: Harper and Row, 1978).

24. See especially Mary J. Heppner, "Counseling the Battered Wife: Myths, Facts and Decisions," *Personnel and Guidance Journal*, May 1978; and Leonore Walker, *The Battered Woman*.

25. Barbara Star, "The Psychological Dynamics of Battered Wives," Unpublished paper presented at the California Attorney General's Conference on Domestic Violence, Los Angeles, 1978.

26. J.J. Gayford, "Wife Beating: A Preliminary Survey of 100 Cases," *British Medical Journal* 1, 1975, 194-97.

27. International Association of Chiefs of Police, *Training Key #245: Wife Beating* (Gaithersburg, Md.: IACP, 1976), 3.

28. Dr. Leonore Walker has identified psychological characteristics of wife beaters as the following:

- Low self-esteem;
- Believes all the myths about the battering relationship, such as the woman "caused" the incident;
- Is a traditionalist at home, believing in male supremacy and the stereotyped masculine sex role of dominance in the family;
- Blames others for his actions;
- Is pathologically jealous;
- Presents a dual personality, alternating from extreme tenderness to extreme aggressiveness;
- Has severe stress reaction, during which he uses drinking and wife battering to cope;
- Uses sex as an act of aggression, frequently to enhance self-esteem in view of waning sexuality; may be bisexual;
- Does not believe his violent behavior should have negative consequences.

See Lenore Walker, *The Battered Woman*.

29. Anne Ganley and Lance Harris, *Domestic Violence: Issues in Designing and Implementing Programs for Male Batterers* (Tacoma, Wash.: American Lake Veterans Hospital, Mimeo, 1978).

30. *Ibid.*, 9.

The administrators of this treatment program recommend that treatment programs should be designed primarily to stop the battering and not to improve the marriage. They urge that the proper messages to the batterer should be:

- Battering is destructive, will no longer be ignored, and must stop;
- Battering is a learned rather than an inherent response to conflict and stress; and
- Rather than feeling shame for what he has done, he must accept responsibility for learning new and less destructive behaviors.

Additional cautions should be taken to prevent serious assaults and sucides by battering men in treatment. Therapists should be particularly careful not to get angry at the men for not wanting to change.

3

POLICE PRACTICES

Efforts to understand the nature and scope of spouse abuse and wife beating in America have been accompanied by intense debate over what methods should be used to reduce these problems. Psychologists, attorneys, women's rights advocates, social workers, and criminal justice officials are attempting to determine their proper roles and responsibilities, as well as the best way to intervene in these cases. As with most discussion of newly recognized social problems, disagreement and controversy have characterized many of these discussions, for several reasons:

- relatively little is known about the nature and causes of the spouse abuse and wife beating problems;
- professionals often define the problems in terms of the programs and services they provide, such as therapy, prosecution, or consciousness-raising;
- the complexity and interdependence of the problems require a cooperative effort involving people and programs from different levels and branches of government, different political orientations, and different service capacities.

Given these hurdles, it is surprising that discussion has progressed at all. In fact, enough progress has been made that several federal agencies—the Law Enforcement Assistance

Administration, ACTION, the Community Services Administration, and the National Institute on Alcohol Abuse and Alcoholism—are funding demonstration projects to find the best methods to respond to family violence, and the Secretary of Health, Education and Welfare has established an Office on Domestic Violence. Moreover, many battered women's shelters are supported by Urban Development Action Grants from the Department of Housing and Urban Development and are staffed in part by individuals supported by CETA funds from the Labor Department.

One result of the national activity and community pressure to respond to spouse abuse and wife beating has been that police agencies have had to examine the way officers handle these calls and how officer actions affect the resolution of the problems. Many police officials, unprepared for the sudden and intense interest in spouse abuse and wife beating, have been unable to find additional personnel and training resources to respond adequately. Other police chiefs, regardless of their willingness to respond to the problems, have been startled by the amount of criticism they have received from women's rights groups regarding their departments' handling of these calls. In many ways, community perceptions have changed suddenly and dramatically, and the police often are unfairly blamed for responding in a way that, until very recently, was accepted and approved. Because many police agencies have a tendency to resist when "outsiders" pressure them to change, these harsh criticisms often have reinforced many negative attitudes and blocked lines of communication between police and those seeking change.

Another reason why most police agencies have had difficulty accurately evaluating their past performance and present handling of domestic violence calls is the lack of follow-up procedures that would give information to the officers about the effects—good and bad—of their actions. Most agencies do not have formal procedures to guide their officers nor standards by which to judge their actions. Equally important, there have been few studies which systematically examine police handling of these calls. One limited study of battered women in Kentucky did examine the police responses. The

women reported only 76 of 881 violent incidents to the police during a 12-month period; police made an arrest of a husband or partner in 41 percent of the reported incidents and obtained a warrant for an arrest in 16 percent. Additional actions included filing a report (24 percent), no action (29 percent), and "other" (16 percent). A study[2] of 110 Wisconsin police officers examined the effects of such factors as training, attitudes, and personality to explain why officers used arrest, counseling, or minimal action in handling domestic violence calls. Situational factors involved in the cases, such as serious injuries and the use of force, were found to lead to an arrest. Police training, on the other hand, was found to discourage the use of arrest.

The overwhelming bulk of the literature in this field is based on interviews, observations, and personal assessments.[3] The result is a confusing patchwork of unproved assertions and incomplete accounts of how police handle spousal violence calls and why they handle them the way they do. Nearly everyone has a theory, but few have systematically gathered reliable data to prove their hypotheses. Nevertheless, the predominant belief continues to be that police have responded to these calls with a policy of minimum intervention and avoidance of arrest. Police officials generally agree with this assessment, although they are reluctant to articulate it in a department policy statement or in operational procedures. This diffidence is primarily a result of their conviction that each of these cases, as well as most other categories of incidents, should be handled separately and according to many intervening variables, such as use of a weapon and previous disputes at the household. People outside the police field, sensing police frustration and dislike of being involved in these cases, neither agree with nor understand the police approach. Instead, they see anecdotal evidence of negligence and malfeasance in police performance in stories such as the following, which appeared in the *New York Times:*

> It was about 4 o'clock in the afternoon when a call came into the 103rd Precinct station house in Jamaica, Queens, from a woman who said her husband had beaten her, that her face was bleeding and bruised. She thought some of her ribs had been broken.

> "Can you help me?" she pleaded to the police officer who answered the phone. "My husband's gone now, but he said he would come back and kill me." She was also frightened, she said, that he would start beating the children when he returned.
>
> "It's not a Police Department thing," the officer told her. "It's really a family thing. You'll have to go to Family Court tomorrow. There's nothing that I can do." (June 14, 1976)

and,

> In Oakland, California, a man went to the apartment of his estranged wife one afternoon, kicked down the door and beat her severely.
>
> The bruised and bleeding woman called the police and asked them to come to her apartment so that she could file an assault complaint. Then she called a friend. Two hours later, the police had not arrived so the friend took the woman to a hospital, where she was treated for her injuries.
>
> The police said they did not respond because it was a "family matter," according to Pauline Gee, the lawyer for the wife. (March 3, 1979).

Criticism of police performance increases when battered women who belong to minority groups are involved. One women's rights advocate asserts that police handle domestic calls differently when they come from minority women because "they have an attitude that violence among minority groups is inevitable, so why intervene."[4] Also, police may react to the hostility and alienation found in many minority group members by becoming hostile and indifferent to their problems.

Critics of police performance also charge that spousal violence calls do not receive priority status from dispatchers or swift response from patrol officers. A study[5] involving 76 such calls in Kentucky found, according to the women respondents, that officers in urban areas took between 16 and 30 minutes to respond to 46 percent of the incidents reported to them, while officers in rural areas took over an hour to respond to 25 percent of their calls. In suburban areas, however, 69 percent of the calls were answered in under five minutes. Furthermore,

the women said that the urban officers did not respond to 21 percent of their calls and the rural officers did not respond to 22 percent.

Despite these findings, the study indicated that 64 percent of the victims were satisfied with the way the police treated them. Satisfaction was highest among suburban women, women in very low and very high income families, and women with an eighth-grade education. Dissatisfaction was highest among urban women, women in middle income families, and women with college degrees.

A review of current police agency procedural manuals and training programs, however, highlights the inattention to violence among family members, especially between spouses. This lack of attention may be the result of a larger cultural tradition that regards family matters as private and spousal violence as a civil matter. Also, it is true that, until recently, police agencies have not received any pressure to respond to spousal violence in other than traditional ways.

CRISIS INTERVENTION MISUSED

The police practices now in use developed more than a decade ago as a result of the misapplication of intervention techniques designed specifically for arguments and crisis situations in which only a verbal dispute was at issue. At no time were these techniques intended to replace the use of arrest in situations involving serious injury or criminal assaults. Rather, arbitration, mediation, and negotiation were to be used in situations in which, because of lack of evidence or insufficient probable cause, an arrest was neither legal nor appropriate. Until then, police rarely made an arrest in family violence situations and they had no special skills with which to handle such disputes, except to use authoritarian gestures or commands telling the participants to "break it up" or "take a walk." For the most part, this lack of preparation to deal with domestic violence can be traced to the relatively recent entry of police into these situations, many of which were previously settled through the intervention of relatives or neighbors.

The misuse of intervention techniques can be traced to an experimental program developed in 1967 by the New York

Police Department and several psychologists at the City University of New York.[6] The primary purpose of the program was to determine if the psychology profession and the university community had something of value to offer the field of law enforcement. At that time, before the many academic-police collaborative efforts that have since been financed by LEAA, such a relationship was given little chance of success because the tenets of law and psychology were seen as contradictory. Predictably, suspicion, distrust, and hostility marked the early phases of this experiment.

The experimental program involved forming a Family Crisis Unit within the New York Police Department for which 18 officers were selected for an intensive 160-hour training program in crisis intervention and interpersonal conflict management. Specifically, the training was intended

> . . . to demonstrate the potential for crime prevention and preventive mental health that exists in training selected police officers as specialists in family crisis intervention techniques . . . and to increase their effectiveness in the characteristic police role of preventing violence.[7]

The officers were given briefings about the nature of family conflict and crisis, as well as how to use arbitration, mediation, and negotiation to manage these situations. (By this time, psychologists had decided that conflict was not necessarily in itself a negative form of behavior only to be resolved or repressed, but rather that it is through conflict that change and mutual adaptations take place. They emphasized, however, that a violent response to conflict always has destructive consequences. Reason and negotiation are the more productive responses.) The officers were then assigned to a high-crime precinct in Harlem and responded to all the domestic disturbance calls within it. Important features of the program were the ongoing case analyses and group discussions between the officers and the psychologists during the two-year life of the program. This constant interaction helped to provide continual support and training for the officers as well as to solidify the uneasy relationship between the two professions

within an academic framework. Another innovation in the project was the emphasis on police use of referrals to social service agencies.

At the conclusion of the experiment, the social science-law enforcement relationship was pronounced a huge success and nationwide publicity heralded this pioneering effort. A precedent had been set and the foundation laid for future federally funded programs among social scientists, universities, and the criminal justice community. Although a controversy persists within policing over whether this kind of social service training is appropriate for police officers, this first experiment created a climate of favorable opinion and sufficient program materials to generate crisis intervention programs in other jurisdictions. In fact, such programs were in operation in many police departments a decade later.

What was less clear at the end of the New York experiment was whether the officers' training and practice had resulted in a reduction in the incidence of domestic disturbances. The project managers claimed that such calls for service were reduced and that the trained officers suffered no injuries, but others who have examined the project data have concluded that the experiment yielded no significant impact on the overall problem nor on the officers' safety.[8] Still others think that the project was too specific to the New York City environment to allow replication elsewhere, and that it was conducted on too limited a scale and during too brief a time period to produce any valid results. One of the program's obvious shortcomings was the lack of follow-up to see what happened to the families serviced by the Family Crisis Unit; another was the failure to determine which skills were effective in different types of disputes.

The project managers determined that violence was a factor in one-third of the disputes and that many of the calls for police assistance were made primarily to gain an ally for one person's side of the argument. Officers were asked to "calm the situation" in the majority of cases. The psychologists assumed that situations involving violence and assault exceeded the limits of "crisis intervention" and that the police powers of force and arrest would be invoked. Unfortunately,

this was not to happen. Because there was no further analysis of the problem, training, and direction, police officers have been taught to handle all family conflict calls with these reconciliation techniques. If more precise guidelines had been developed as to when and in what circumstances to use these techniques, police handling of spousal violence calls might well have been more effective.

In one sense, this experience reflects well on police officials. They quickly and almost universally adopted the crisis intervention approach, revealing a willingness to augment their police skills, but the failure of police agencies and social scientists to analyze fully the nature of these problems led them to adopt an approach that appears to be irrelevant and counterproductive to the one-third of the cases involving violence. It also pointed out their lack of willingness to test and experiment with these skills to determine their relative usefulness in a variety of situations. In truth it must also be said that, although most police agencies have incorporated crisis intervention into their recruit training, few departments now allocate more than a few hours to the topic and include a wide range of disputes in the discussions, such as landlord-tenant disputes and barroom brawls.

Women's rights groups have been critical of police handling of spousal violence calls mainly because of the officers' refusal to make arrests in these situations. They are particularly offended by the terminology of the crisis intervention approach, which labels these calls "a dispute" or "a conflict," and the people involved "the disputants." This language, they believe, hides the prevalence of wife beating cases and unfairly places equal blame on the battered woman for being involved in the violence. Moreover, they view police insistence on taking a neutral stand in these situations as resulting in subtle encouragement to assailants. The same may also be said of the failure to arrest the assailants, who probably will continue the assaults if they know they will not be punished. These beliefs have led several women's groups to file class action suits against police agencies, charging negligence and violation of the victims' civil rights.[9] The most notable of these cases, *Bruno* v. *Codd*, was brought by 12 battered women against the

New York City Police Department and the Probation Department of the New York City Family Court. In a June 1978 consent decree that settled the case,[10] the department agreed to make arrests when there is reasonable cause to believe that husbands have committed felonious assault against their wives and to send one or more police officers in response to every call from a woman who charges that her husband has assaulted or threatened to assault her. The police also agreed to inform a battered wife of her rights to a criminal or civil court proceeding; to protection or aid in getting medical help if she needs it; and to help in locating the assailant if he has left the scene. (See Appendix D.1 for guidelines for the operating orders issued by the New York City Police Department.)

In a similar case in Oakland, California, a group of battered women brought a class action lawsuit (*Scott* v. *Hart*) against the Oakland Police Department, charging that wife beating calls were given a low priority and that officers responded to them with a policy of avoiding arrest. They also charged that the police did not inform victims of their rights to make citizens' arrests. In an out of court settlement[11] in November 1979, the department agreed to treat all domestic violence as alleged criminal conduct and to make arrests in appropriate cases. It also agreed to develop new training materials and implementing orders, to include the development and distribution of a resource brochure for battered women. (See Appendix E.4 for a copy of the brochure.)

In some cases, police failure to arrest has probably contributed to future assaults; in others, it may have had little or no effect. The same may be true of police use of crisis intervention techniques, which have proved effective in preventing deterioration of a volatile situation. It is possible that police use of these techniques in many domestic disturbance situations have prevented future conflicts and violence. If so, they would be considered "successful." Unfortunately, there are few provisions for follow-up work in these cases in most departments, and no studies have been conducted to test any of these hypotheses. Police simply do not know many of the short-term and long-term effects of the various ways in which they are handling these calls.

This point was underscored by the release of a 1977 Police Foundation study of domestic homicides and aggravated assaults in Detroit and Kansas City.[12] Its authors challenged the age-old myth that prevention of homicide and assaults among friends and family members was beyond the scope of the police, as they determined that the police could have seen "early warning signals" in these cases. Specifically, the report found that police in Kansas City had responded to previous disturbance calls at the address of 85 percent of the homicide victims or suspects, and had responded to five or more previous disturbance calls at the address of about 50 percent of them. The study identified factors common to these cases that are likely "predictors of violence," but made no attempt to determine the varied effects of different kinds of police intervention. For instance, the study did not examine whether police responses contributed to differences in the eventual outcomes of the cases, namely a homicide or an assault. Domestic disturbances that did not culminate in an assault or homicide were not compared with those that did, nor were possible differences in police responses probed.

POLICE OFFICER SURVEY

During the preparation of this report, the lack of relevant and reliable information about how the police actually handle spouse abuse and wife beating calls became apparent. Because of this information gap, current discussions about effective intervention methods have proceeded on hearsay, prejudice, and oversimplified analysis.

As an initial attempt to gain some insight into how police officers handle these calls, a questionnaire was administered in the spring of 1979 to 130 police officers of assorted ranks from 17 police agencies[13] across the country. The questionnaires were distributed to the first reporting officers in the departments at roll calls. In three departments they were given to a police official who, in turn, distributed them at roll call. (Nine, or 7 percent, of the officers questioned were women, which is more than double the actual percentage—3 percent—of women police officers in the nation.) The purpose of the questionnaire was to assess the use of arrest and referral in domestic violence

cases, with special attention being given to the factors that officers consider when taking their actions. (The actual questions used and a frequency distribution of answers to each are contained in Appendix C.)

It is important to remember that the data resulting from these questionnaires represent only a limited insight into police handling of these calls. The small survey size of 130 officers cannot be considered a valid representative sample of the nation's police profession, nor does the selection of the 17 police departments represent anything other than the award of LEAA domestic violence grants in those jurisdictions. Also, since the officers were questioned about their behavior, the answers are limited by the extent to which the officers' answers reflect their true behavior. It is possible that their perceptions of how they behave are not accurate or that they may purposely misreport behavior which they believe will be criticized by researchers. Thus, there are inevitable and numerous limitations on the accuracy of these survey data.[14]

Use of Arrest

The first question asked about the officers' use of arrest in domestic violence cases and allowed the respondents to check more than one choice. The purpose of this question was to test the popular assumption that police do not generally arrest in these cases and to determine under what conditions an arrest was likely to be made. Table 1 indicates that the responding officers are most likely to make an arrest if a crime has been committed (30 percent) and if the likelihood of recurring violence exists (28 percent). It is interesting to note that no officers designated the procedure commonly thought to be the most popular, namely, "Avoid arrest in all situations," but a closely related response—"Avoid arrest whenever possible"—was the third most frequently checked answer (19 percent).

Criteria for Arrest and No Arrest

The officers were asked about the factors involved in decisions to arrest and not to arrest. Specifically, they were asked to rate how important they considered each factor on a scale of

"very important," to "somewhat important," to "not too important," to "not at all important." For discussion purposes, the first two responses were grouped into an "important" category and the remaining two into a "less important" category.

When deciding to make an arrest, police officers assigned the most importance to the four factors most consistent with a criminal investigation (see Table 2). These include commission of a felony, serious injury to the victim, use of a weapon, and use of violence against police. These responses are in contrast

TABLE 1
CONDITIONS RELATED TO USE OF ARREST IN DOMESTIC VIOLENCE SITUATIONS

NUMBER	PERCENTAGE	CONDITION
89	30	Arrest if a crime has been committed
83	28	Arrest if the likelihood of recurring violence exists
58	19	Avoid arrest whenever possible
46	19	Arrest only if serious injury has occurred
22	8	Arrest only if victim insists
0	0	Avoid arrest in all situations
298	100	TOTAL

to their answers in Table 1, in which the likelihood of future violence was given a very high ranking. Also, the factors receiving the lowest ratings were those relating to victim insistence on arrest and frequent calls from the household for assistance.

When deciding not to make an arrest, however, the officers assigned the most importance to the refusal of the victim to press charges (see Table 3). This is not to suggest that most victims refuse to press charges—although many do

refuse—but rather that a victim's refusal is the primary factor among those considered in the officer's decision not to make an arrest. In contrast, the related factor—"Victims' tendency to drop charges"—is rated lower in importance. The importance given to the availability of social service and civil alternatives may indicate a preference not to arrest and a willingness to use proper alternatives in situations where an arrest is unwarranted. Finally, the low ratings of "Added paperwork burden" and "Jail overcrowding" probably reflect both the officers' apparent willingness to disregard extraneous pressures and their tendency to respond in a manner they think researchers will favor.

TABLE 2
FACTORS INFLUENCING POLICE TO ARREST IN DOMESTIC VIOLENCE SITUATIONS, BY IMPORTANCE OF FACTOR

FACTOR	IMPORTANT (PERCENTAGE)	LESS IMPORTANT (PERCENTAGE)
Commission of a felony	100	0
Serious injury to victim	100	0
Use of a weapon	99	1
Use of violence against police	96	4
Likelihood of future violence	89	11
Previous legal action against assailant	79	21
Previous injury to victim or damage to property	79	21
Alcohol/drug intoxicated assailant	65	35
Frequent calls from household for police assistance	54	46
Victim insists on arrest	50	50

It is difficult for most people to analyze their actions and to decide why they behave in a certain manner. The police of-

ficers' rating of factors used in deciding to make or not to make an arrest probably is valid only insofar as they have thought about their actions. Much of their judgment is instinctive and based on patrol experience rather than on formal instruction; that does not imply that their judgment is faulty or invalid, but only that it may be hard for the officers to explain it with any precision in a questionnaire format. To ease this problem, the officers were provided a listing of factors that they were simply asked to rate. A different picture might well have emerged if the officers had been allowed to volunteer their own listing of important factors.

TABLE 3
FACTORS INFLUENCING POLICE NOT TO ARREST IN DOMESTIC VIOLENCE SITUATIONS, BY IMPORTANCE OF FACTOR

FACTOR	IMPORTANT (PERCENTAGE)	LESS IMPORTANT (PERCENTAGE)
Refusal of victim to press charges	92	8
Victims' tendency to drop charges	75	25
Lack of serious injury	70	30
Intoxicated assailant or victim	66	34
Availability of effective social service and civil alternatives	65	35
Commission of a misdemeanor	56	44
Participants' first encounter with police	50	50
Frequent calls from household for police assistance	49	51
No use of a weapon	48	42
Added paperwork burden	14	86
Jail overcrowding	10	90

Alternatives to Arrest

Following the questions about their use of arrest, the police officers were asked to rate the effectiveness of various alternatives to arrest that might be used to resolve a domestic violence call. The alternatives presented to the officers were actions that provided immediate, short-term, "bandaid" solutions, much like those of arrest. Table 4 indicates that the officers rated separation of the parties as the most effective alternative to arrest, followed by removal of the assailant, and removal of the victim from the household. Removal of the victim to a women's shelter and the crisis intervention technique of negotiation were rated as the next most effective alternatives to arrest, followed by mediation and four civil restraining remedies. Peace bonds, ruled unconstitutional in several of the respondents' juridictions, were considered to be the least effective alternative. The police do not see other civil remedies as being effective, probably because many officers can arrest assailants only after they have violated orders and contempt of court citations have been issued. The delays in obtaining civil injunctions also may render them useless from a police viewpoint.

Another reason why officers rated the crisis intervention techniques and civil remedies as largely ineffective may be that these are the same measures which they feel least prepared to use (see Table 6 in Chapter 4). The officers' perceptions may result from both poor training and their belief that these measures fall outside the realm of "real" police skills. In fact, these measures are held in low esteem by many officers because they are too closely identified with the social work profession.

Use of Referral

Another alternative to arrest is referral to a social service or legal agency. Although the questionnaire did not specifically ask the officers how often they use referrals in relation to their use of other interventions, it is reasonable to conclude from the relatively low scores on this question that they seldom use referrals in domestic violence situations.

TABLE 4
ALTERNATIVES TO ARREST,
BY EFFECTIVENESS OF ALTERNATIVE

ALTERNATIVE	EFFECTIVE (PERCENTAGE)	LESS EFFECTIVE (PERCENTAGE)
Separation of parties	96	4
Removal of assailant from household to friend or relative	92	8
Removal of victim from household to friend or relative	90	10
Removal of victim to women's shelter	79	21
Negotiation	76	24
Order to vacate	64	36
Mediation	64	36
Restraining order	60	40
Protection order	59	41
Peace bond	46	54
Summons	43	57

The officers were asked to indicate the frequency with which they refer domestic violence participants to specific agencies — weekly, monthly, seldom, or never. For discussion purposes, the "weekly" and "monthly" responses were grouped into an "at least monthly" category, and the "seldom" and "never" responses were grouped into a second category.

Table 5 indicates that the most frequent referrals in these situations were made for marriage counseling and to family court. The District Attorney's office was the next most frequently checked referral. One possible reason why these offices are used so often is that, in misdemeanor assault cases, the victim often must go to the prosecutor to initiate a criminal complaint against the assailant. The officers may recommend this course of action if there is insufficient evidence for a felony ar-

rest or to test the victim's willingness to follow through on her stated desire to have the assailant arrested. (Because many victims drop these charges and return to the battering relationship, police officers place the burden of action on the victim. The complex and lengthy bureaucratic logistics involved in any court proceeding often contribute to the victims' failure to continue the complaint, as do the victims' decisions to give the assailant "another chance" or their inability to find a place to stay.) Apparently, referral to a particular agency depends on, first, the existence of such agencies, or officers' knowledge of them, and, second, the esteem in which the particular agency is held. In some jurisdictions, the public welfare department is responsive and effective, and in others it is a bureaucratic nightmare. The same may be said for mental health centers. Police seldom use women's centers for referrals because many police perceive the staffs to be "man haters." In truth, the officers often are unfamiliar with either the centers' staffs or the services they provide. Interestingly, police appear somewhat more likely to make referrals to a battered women's shelter than to a women's center even though many such shelters are staffed by feminists, possibly because they believe that shelter staffs are interested in providing a social service more than in promoting a particular political cause.

The police officers who were interviewed for this report were selected specifically because a federal LEAA domestic violence grant had been awarded to an agency in the jurisdiction where they worked. Several of these grants involved funds for a battered women's shelter, but most shelters had only just opened at the time the officers were interviewed. As a result, it is likely that the low score given to this referral measure was due less to police hostility to the concept of using a shelter than to ignorance about the shelter, unfamiliarity with the procedures for using it, or a belief that these shelters are only for the most serious cases.

This conclusion is reinforced by the high rating officers gave to "removing the victim to a battered women's shelter" as an arrest alternative in domestic violence situations (see Table 4). Although problems do arise between police and battered women's shelter staff,[15] there appears to be relatively lit-

TABLE 5
AGENCIES USED FOR REFERRAL, BY FREQUENCY OF USE

AGENCY	AT LEAST MONTHLY (PERCENTAGE)	SELDOM OR NEVER (PERCENTAGE)
Marriage counseling	52	48
Family Court	50	50
District attorney	50	50
Legal aid	47	53
Hospital/clinic	46	54
Drug rehabilitation	39	61
Mental health agency	38	62
Alcoholics Anonymous	36	64
Public welfare department	28	72
Battered women's shelter	26	74
Women's center	24	76
Public assistance department	22	78
Church	20	80
Victim/witness assistance	17	83
Private social work agency	17	83
Salvation Army	14	86
Planned Parenthood	7	93
YWCA/YMCA	7	93

tle resistance on the part of the police to use the shelter services once they are firmly established and accepted in the community as a legitimate social service. If the shelter is operated by a government agency, there appears to be little police resistance to referring victims to it.

One of the most frustrating aspects of police use of referrals to other agencies is the lack of follow-up procedures or other ways of learning if their actions have had any positive effects. Many officers now use referrals with blind faith that the referred individuals will receive help, but not knowing if the couple has been helped leads to cynicism and indifference in many officers.

SUMMARY

Many police respond to spouse abuse calls in a manner that is consistent with statutory requirements. If the victim has suffered serious injury and/or if the assailant has used a weapon, police are more likely to make a felony arrest. Misdemeanor assaults, however, constitute the bulk of cases that are reported to police. Officers do not make arrests in these cases for several reasons, the most salient of which are statutory requirements that they must witness the assault in order to make an arrest. In cases in which officers do witness the assault, they may decide not to make an arrest either because the victim refuses to press charges or because they have discouraged the victim from pressing charges. This latter action results from the officers' belief and experience that many victims drop what charges they do file and return to the battering relationships. These law enforcement decisions are influenced by other factors, including:

- statutory provisions which assign jurisdiction of "family offenses" to family or domestic relations courts where they receive cursory treatment and become entangled in a bureaucratic maze;
- unwillingness of the criminal justice system to handle domestic violence cases properly. This includes a magistrate's failure to arraign the assailant, a prosecutor's refusal to accept the case, and a judge's refusal to hear the case;
- overburdening of the criminal justice system, which receives many times the number of cases it can process;
- the police profession's preoccupation with its crime control mission resulting in disdain for other activities as not "real" police work;
- lack of professional incentives or organizational rewards within police agencies for officers to perform well in spousal violence cases;
- the danger spousal violence calls pose to police officers' physical safety;

- attitudes of police officers and the male bias of the criminal justice system, which may compromise the female victim's rights to police protection and due process;
- lack of police training to handle such calls effectively, which leaves the officers frustrated, vulnerable, and resentful;
- indifference of police officers resulting from a failure to understand the problems and an overexposure to interpersonal conflict and violence; and
- community acceptance of the status quo in relation to family violence problems.

Police officers' actions result from a complex interplay of legal mandates, patrol experience, peer pressures, organizational constraints, personal biases, and, in some cases, such extraneous factors as the desire to get by with a minimum amount of work, to please superiors, to avoid filing forms, or to be paid overtime for appearing in court.[16] Further investigation into police actions in spouse abuse and wife beating cases should attempt to identify the extent to which each of these forces influences the officers' handling of these cases.

Chapter 3 Notes

1. Louis Harris and Associates, Inc., *A Survey of Spousal Violence Against Women in Kentucky* (Frankfort, Kentucky: Kentucky Commission on Women, 1979).
2. Daniel Saunders, *The Police Response to Battered Women: Predictors of Officers' Use of Arrest, Counseling or Minimal Force*, doctoral dissertation, University of Wisconsin, 1979 (Ann Arbor, Michigan: University Microfilms, 1979).
3. The most extensive and authoritative research into police handling of family violence calls has been conducted by Dr. Morton Bard of the City College of New York and Prof. Raymond I. Parnas of the University of California at Davis School of Law. Their work in the late 1960's and in subse-

quent years provide both the empirical and legal frameworks for the field.

Additional research of high quality was performed by G. Marie Wilt, *et al*, in their study of domestic-related homicides and aggravated assaults in Kansas City and Detroit (Police Foundation, 1977).

4. Irene Potter, "Police and the Battered Wife: The Search for Understanding," *Police Magazine* September 1978, 49.

5. Louis Harris and Associates, Inc. *A Survey of Spousal Violence Against Women in Kentucky.*

6. For a descriptive summary, see Morton Bard, Joseph Zacker, and E. Rutter, *Family Crisis Intervention and Conflict Management: An Action Research Analysis* (Washington, D.C.: Law Enforcement Assistance Administration, 1972).

7. Raymond Parnas, "Police Discretion and Diversion of Incidents of Intra-Family Violence," *Law and Contemporary Problems 36* Autumn 1971, 106.

8. Donald Liebman and Jeffrey Schwartz, "Police Programs in Domestic Crisis Intervention: A Review," *in* H. Snibbe and J. Snibbe (eds.), *The Urban Policeman in Transition* (Springfield, Ill.: Charles C Thomas, 1973). The authors note that "many of the conclusions are unsubstantiated by the data; some are actually contraindicated." Specifically, they challenge the notion that the program reduced injuries to officers, since the finding was based on *no* injuries to officers in the experimental district and *one* injury to officers in the control district. They also conclude that the experimental district actually experienced more homicides, more family homicides, and more assaults than the control district.

9. J. Barden, "Battered Wives Unite to Get Police to Act," *The New York Times,* March 3, 1979.

10. Supreme Court of the State of New York, Consent Decree between Carmen Bruno, *et al.*, and Robert McGuire, *et al.* Index #21946/76 (Filed June 1978).

11. U.S. District Court for the Northern District of California, Settlement Decree between Mary Scott, *et al.*, and George T. Hart, *et al.* Index # C76-2395 (Filed November 9, 1979).

12. Wilt, *Domestic Violence and the Police.*

13. Brattleboro (VT) Police Department; Cleveland (OH) Police Department; Cumberland County (NC) Sheriff's Department; Dade County (FL) Public Safety Department; Delaware State Police; Fayetteville (NC) Police Department; Gary (IN) Police Department; Lynn (MA) Police Department; New Rochelle (NY) Police Department; New York (NY) Police Department; Salem

(MA) Police Department; Santa Barbara County (CA) Sheriff's Department; Santa Barbara (CA) Police Department; Westchester County (NY) Sheriff's Department; White Plains (NY) Police Department; Wilmington (DE) Police Department; and Yonkers (NY) Police Department.

These police departments were chosen by the Law Enforcement Assistance Administration, which had awarded demonstration family violence prevention grants to social service agencies located in jurisdictions served by these departments.

14. Claire Selltiz, *et al., Research Methods in Social Relations* (New York: Holt, Rinehart and Winston, 1966), 235-78.

15. Jane Potter, "Police and the Battered Wife."

16. Herman Goldstein, *Policing a Free Society* (Cambridge, Mass.: Ballinger Publishing Co., 1977), 102.

4

FORMULATING POLICY GUIDELINES

The way police handle spouse abuse and wife beating is clearly in transition. Police agencies across the nation are reevaluating their policies, procedures, and training programs in order to improve this police service. It is a difficult process. Because these problems have surfaced in public consciousness only recently, there are few reliable standards to guide these police efforts.

Nevertheless, the pressures to examine and redefine the police role in domestic violence calls become more acute each day. Police agencies are being asked to respond to rapidly shifting community standards and new state statutes, and to articulate their policies and procedures in a public forum. Many pressures are responsible for this situation, especially:

- nationwide publicity given to spouse abuse and wife beating by the news media and television industry;
- changes in state statutes, mandating increased police intervention and criminal penalties for these offenses;
- class action suits charging malfeasance brought by battered women against police agencies;[1]
- political clout of the women's rights movement, which has placed a high priority on exposing and reducing wife beating by establishing battered women's shelters and telephone hotlines;

- increased concern in Congress and federal agencies (during 1978, three congressional subcommittees held hearings on the family violence problem and proposed legislation to deal with it);[2]
- greater awareness among spouse abuse victims of the need to take legal action, resulting in increased demands on police services; and
- decreasing community acceptance and tolerance of spouse abuse, accompanied by increased demands for government intervention.

Added to these pressures is sentiment within policing that changes are needed to improve police handling of spousal violence. The recent promulgation by the International Association of Chiefs of Police of two training keys specifically on wife beating[3] is one indication of this sentiment, as is the increasing number of articles on this topic appearing in police journals and magazines.[4] In addition, recent research indicates that many spouse abuse cases involve repeated calls to the police, suggesting that current police practices are ineffective. Police officers surveyed for this report often said that repeat calls were a source of great frustration and, further, that they felt ill-prepared and uncomfortable handling family disturbance calls in general. These officers expressed a need for clearer policy direction and relevant training programs for handling these calls effectively.

Problem Definition

Before a significant statement of overall policy can be developed, a police agency must articulate a relevant and reliable definition of the spouse abuse and wife beating problems for its jurisdiction. This often overlooked facet of policymaking is essential to a realistic police response. Although the problem-definition phase may seem to involve an inordinate amount of staff time or data analysis, it is the only way to be certain that future police actions are designed with some basis in reality. Further, such an initial investment will provide the necessary evidence to justify police requests for additional funds to respond effectively to these problems.

A definition of the spouse abuse and wife beating problem can be formulated by the agency's crime analysis unit or its planning office. A random selection and analysis of calls for service and dispatches should be made for the two years preceding the analysis, to include cases involving aggravated assault, aggravated battery, simple assault, assault and battery, harassment, reckless conduct, domestic disturbance, and related weapons offenses. Preliminary information to be collected from each incident report should include type of offense; relationship of participants; weapon use; extent of violence involved; extent of injuries suffered; and day of the week and patrol shift. Careful attention must be given to which of these offenses involved family members. Unless the incident report specifically reveals such a relationship, the following assumptions are reasonable:[5]

- people having the same last names and living at the same address could be members of the same family;
- people having the same address, regardless of last name, could be family; and
- people having the same last name, regardless of residence, could be family.

Secondary information to be taken from each incident report, and possibly supplemented by the dispatcher's data, includes whether this was a repeat call from this household; alcohol or drug use involved; outstanding civil complaints against the assailant; police action taken, including arrest, use of referrals, or use of crisis intervention skills; and extent of threats and injury to officers. These information items will provide a good picture of the nature and extent of the problem. They also will provide the framework for a realistic allocation of police resources and a basis for measuring the effectiveness of future police actions. More relevant training programs can be developed once the actual levels of violence and weapon use are known, as well as the nature and extent of injury sustained by the citizens involved and by responding officers.

Another part of the problem definition phase is to find out how officers are currently handling spouse abuse and wife

beating calls. One way is to administer a brief anonymous questionnaire to a random sample of patrol officers and their sergeants, asking such questions as:

- whether police officers often need to make forced entries in handling these calls;
- how police subdue and question the assailant;
- what procedures were used to ensure officers safety;
- how the victim's injuries were treated;
- whether officers made use of arrest;
- whether officers made use of civil remedies;
- whether officers made use of referrals to social service or legal agencies; and
- how much time was spent responding to these calls.

Officers from all levels in the agency should be included in the analysis of the information this questionnaire uncovers. It is extremely important to include middle management and supervisory personnel in the entire policy development process, as they will ultimately help or hinder the implementation of and adherence to any new policies. Patrol personnel, who are most affected by these policies, should be active participants in this process.

METHODS OF POLICYMAKING

Policy is produced any time a choice is made among alternative actions. A judgment is made, according to many complex criteria, that the chosen action is somehow more correct than other possible actions. In policing, policymakers most often are the lowest-ranking officers, who routinely make decisions about a wide array of situations. Generally they have been given little guidance about how to proceed, and they gradually develop informal practices that fit their individual styles and values. Even using this informal system, officers handle similar cases inconsistently. It is not surprising that this form of policymaking can be easily abused, especially if it is based more on personal prejudice and convenience than on

professional considerations such as violations of the law and the welfare of the individual. For many of these reasons, police officials need to establish policy guidelines for controversial areas of police work. Otherwise, policy will be made in a random manner at the operational level and in ways that have little to do with agency goals.

Before discussing how police agencies can develop their own policy statements, it is important to look at three other forms of policymaking that directly influence police actions: legislation; judicial rulemaking; and the local government budgeting process.

The *legislative statutes* which form a criminal code for a jurisdiction represent the basis for police actions and must frame all subsequent discussion of policy and practice. It is important to keep in mind that,

> ... the function of defining conduct that may be treated as criminal is separate from and prior to the process of identifying and dealing with persons as criminals.[6]

In the area of spousal violence, in particular, definitions of criminal behavior are changing rapidly. As Chapter 2 points out, many state legislatures are enacting statutes specifically designed to reduce spouse abuse and wife beating. The statutes have several or all of the following provisions:

- identify "spouse abuse" or "domestic violence" as a specific crime;
- grant criminal court jurisdiction over certain family offenses;
- make violation of a restraining order a criminal offense;
- make subsequent spouse abuse convictions subject to felony status and punishment; and
- eliminate requirements that a misdemeanor assault occur in an officer's presence before an arrest can be made.

Before police agencies can prepare adequate policy statements, they need to be familiar with statutory developments which may constrain their policy alternatives. A

state-by-state summary of provisions contained in the new domestic violence statutes appears in Appendix A-2. In addition, Appendix A-1 contains an example of such statutes, the Pennsylvania Protection from Abuse Act.

Another form of policymaking that affects police actions is *judicial rulemaking*. In recent decades, the courts have responded to the absence of police agency policies by imposing their own, as evidenced by the so-called *Miranda* warning and restrictions on search and seizure procedures. Many times these policies do not reflect the legitimate law enforcement needs of police officers. Until police officials are willing to promulgate their own policies, however, this void will continue to be filled by the judiciary. Recent class action suits brought by battered wives against police agencies illustrate this situation. The most celebrated of these cases, *Bruno* v. *Codd*, was filed against the New York Police Department by 12 battered wives who charged that they often had been denied police protection and family court aid, and that police had failed to arrest the battering husbands. As a result of a June 1978 consent decree resolving the suit, the New York City Police Department has changed its procedures to ensure that victims receive adequate police protection and due process of law. (See Appendix D-2 for the New York guidelines). Where probable cause exists that a spouse committed a misdemeanor, the officers *cannot refuse* to make an arrest because of any of the following reasons:[7]

- the parties are married;
- the victim has not sought or obtained an Order of Protection;
- the victim has instituted prior pending legal proceedings;
- the officers prefer to reconcile the parties despite the victim's determined insistence that an arrest be made; or
- the victim intends to institute a proceeding in Family Court based on the current incident.

In cases where there is probable cause that a felony was committed or an Order of Protection violated, the officers *must* arrest the assailant.

A similar class action suit was filed against the Oakland Police Department in the case of *Scott* v. *Hart*. A settlement agreement reached in November 1979 provided for a change in police procedures and new training materials. The department agreed to treat all domestic violence as alleged criminal offenses and to make appropriate arrests (See Appendix D-1 for Oakland's summary policy statement). In addition, it was stipulated that the officers may *not* use any of the following reasons for not making an arrest:[6]

- that the suspect lives on the premises with the complainant;
- that there is no restraining order in effect;
- that there may be financial consequences caused by the arrest;
- that the suspect and complainant are married or had a prior or existing cohabiting relationship;
- that the complainant has made prior calls or is a chronic caller;
- that the suspect gives verbal assurances that he or she will not harm the complainant;
- that the alleged injury is minor, or not immediately visible;
- that the complainant may not be a willing participant in subsequent criminal proceedings; or
- that prosecution and conviction may not occur despite the existence of probable cause to arrest.

The third, and often most immediate, form of policymaking that affects police services is the local government's *budgetmaking process*. It is clear that the amount of money a police agency receives has a substantial effect not only on which police services will be delivered, but also on the quality of each service. Having to identify and rank police programs

and services forces local government officials and police administrators to set priorities. This process usually reveals severe and conflicting pressures on police services, which may result in lower priority and funding for spousal violence cases.

One pressure is strong community sentiment about, and federal LEAA funding given to, recent efforts aimed at reducing violent street crime and apprehending chronic felony violators. As a result, in jurisdictions with serious street crime problems, police may well not have the time or personnel to handle spouse abuse and wife beating calls with the desired degree of thoroughness and effectiveness. This constraint is especially serious in cities facing a shrinking tax base because of commercial and middle class flight or because of the so-called taxpayers' revolt, typified by the 1978 "Proposition 13" measure in California. Many police officers have been laid off in these jurisdictions, and there is little likelihood that they will be reinstated or new recruits hired; supplementary federal employment programs, such as the Comprehensive Employment and Training Act (CETA), are expected to be substantially reduced in the next few years.

These developments make it even more important for police administrators to develop a realistic assessment of the spouse abuse problem in their communities, and to budget funds for dealing with it according to how it compares in seriousness and volume with other crime problems and services the police must deliver. Response to this spousal violence problem also will depend on the kinds of services police are required by statute to perform during these calls. The availability of reliable social service and legal agencies to which police can refer victims of these assaults is also an important consideration.

A final method of policymaking is for the police agency itself to develop and adopt a statement of formal policy. Through the process of *administrative rulemaking*, the agency articulates its overall plan of action, in the form of guidelines or rules, to respond to domestic violence calls. The rules may specify general goals of the actions and outline acceptable procedures for the responding officers. (See Appendix D-2 for sample policy guidelines.)

In order to assure a consistent response among officers within the same department, the policy guidelines must address two critical features: the standards of what *should* be done in these cases; and the practical considerations of what is *feasible*, given the conflicting demands on and limited resources for police services. These statements of policy must reflect an honest and realistic commitment of police agency resources to violence problems. Such a commitment reflects not only an accurate assessment of the extent of the problems within the jurisdiction, but also the relative priority of the problems in relation to other police responsibilities. Other benefits to articulating policies and structuring police decisionmaking include providing patrol officers with much-needed guidance; making supervision of officers easier; providing the basis for evaluating officer performance; and allowing for more realistic training programs.[9]

This rulemaking process reflects a police agency's acknowledgment of its obligation to enforce the laws equitably and to ensure the victim's rights to police protection. The resulting policies and guidelines, when publicized, reinforce the condemnation of this form of behavior in the community, a powerful force that may deter others from committing the same offenses. Also, these policies narrow the range of acceptable responses to those that have proved effective. Department administrators should emphasize that the officers should consider these policies as guidelines for behavior and not hard and fast rules. The need for officers to exercise flexibility and professional judgment in handling these difficult calls is important.

This policy development process is demanding and time-consuming. Because it involves problems as complex as spouse abuse and wife beating, it should involve various interested parties, such as prosecutors, judges, social service and legal agency staffs, women's rights advocates, medical personnel, and psychologists. These groups should be consulted both for initial suggestions and for comments after the proposed guidelines are developed. The guidelines probably will have to be revised before they are formally adopted.

RELEVANT ISSUES

Police agencies attempting to develop a realistic and effective policy response to spouse abuse and wife beating will encounter several major policy issues:

- proper use of law enforcement actions against assailant;
- extent of attention and protective services given to victims;
- proper use and enforcement of civil remedies;
- proper use of civilian social service aides; and
- nature of relationships with social service agencies and women's rights groups.

Proper Use of Law Enforcement Actions Against Assailants

No other aspect of handling spouse abuse and wife beating cases is more controversial than police use of arrest against the assailant. Many police officials do not believe that arresting assailants will have any positive results and that this practice places a drain on limited police resources. They cite, both as a cause and as a justification for no arrest, the tendency of many spouse abuse victims to drop charges and return to their battering relationships. Also, they note the frequency of mutual abuse cases in which it is difficult to determine the extent to which the victim either caused or initiated the violence.

Other police officials maintain that prosecutors refuse to press these cases, and that requiring arrests in these situations is a simplistic and limited approach as well as a dangerous one for responding police officers. They argue that, by simply confining the police role to a determination of whether a criminal offense has occurred, the officers often aggravate an already violatile situation by their authoritarian and detached manner. For this reason, training in crisis intervention and human relations skills were introduced in many police departments during the last decade. Unfortunately, such training programs did not emphasize the differences between verbal disputes and ac-

tual assaults and the need for separate police responses to these very different phenomena.

Another reason why police officers do not like to make arrests is the increased threat of civil litigation. In these emotional, volatile cases, especially, police often become the targets of displaced anger and assault, making any arrests particularly difficult. The officers may then become emotional and authoritarian, risking charges of excessive use of force or false arrests. Also, officer failure to arrest may result in negligence or nonfeasance charges. Many state legislatures, including those of Iowa, New Hampshire, New Mexico, Oregon, Utah, Washington, and Wisconsin, are recognizing these dangers and are incorporating provisions that limit officers' liability in these cases. One state, Minnesota, even grants immunity from civil liability to officers in these cases. (See Appendix A-2 for a state-by-state summary of these provisions).

The use of arrest in spousal violence cases involving serious injury, use of a deadly weapon, and/or violation of a restraining order is entirely proper and should be required. This is true for many reasons, but primarily because the elements of a serious criminal offense exist and because community standards have shifted sufficiently to support police intervention in these cases. Moreover, *not* to arrest in these cases may suggest to the assailant that violent behavior is not serious and will not be punished. Theoretically, the threat of arrest, conviction, and punishment is used as a deterrent force in the community, notifying both offenders and citizens that incidents of spousal violence *are* serious and will result in prosecution. This is not to suggest that the threat of the criminal sanction will deter all potential offenders, but rather, that it may deter some of them. The impact of deterrence on reducing crime rates is still largely unknown, although "the evidence certainly favors a proposition supporting deterrence more than it favors one asserting that deterrence is absent."[10] Additional research is needed to determine the effects of different sanctions on various forms of criminal behavior.

Arrest also can be an important first step in holding assailants responsible for their actions and in connecting them

to court-ordered treatment programs. In this respect, officers may arrest an assailant for a misdemeanor assault and then negotiate an agreement with the district attorney to drop the charges if the assailant enters a treatment program. If the assailant is arrested for a subsequent assault, he is then prosecuted for both assaults.

It would be unrealistic and unproductive to suggest that arrest should be used in every spouse abuse or wife beating case, particularly for those misdemeanor cases which are clearly victim-precipitated or involve victims who adamantly refuse to press charges. Other mitigating circumstances might be that the call is the participants' first encounter with the police or that they desire to enter a counseling program. But police policies should articulate when and in what circumstances arrest is appropriate.

In many jurisdictions, if a misdemeanor assault occurs, police officers cannot make an arrest unless the assault took place in their presence, but many state legislatures are changing this requirement. In Florida, for example, police officers may now conduct a warrantless arrest for a misdemeanor battery not committed in their presence, provided certain prerequisites, such as "evidence of bodily harm" and "a reasonable belief of potential danger unless an arrest is made without delay" are present.[11]

A new Ohio statute empowers law enforcement officers to arrest when there is reasonable cause to believe that an offense of domestic violence has occurred and that the accused committed the offense.[12] To effect such an arrest, the victim must first complete a Misdemeanor Complaint Statement (see Appendix E-1) naming the accused and attesting to his or her violation of the law. The form constitutes the "reasonable grounds" for the police officer to believe the offense was committed. Further, a new Minnesota law allows officers to make an arrest for a domestic assault they did not witness if they have probable cause to believe it happened within the preceding four hours, or if there is visible injury to the victim or if the victim and assailant live together and the assailant is found at their place of residence.[13] In Oregon, a statute enacted in October 1977 requires police to take the assailant into

custody when the officer has reasonable cause to believe an assault has occurred or a person has been placed in fear of injury.[14]

Police administrators must consider these legislative provisions when developing guidelines for arrest. The guidelines must be both useful and reasonable, and must allow flexibility for special cases while ensuring even-handed treatment for the majority. Administrators should articulate criteria for arrest so the responding officers will have a clear idea about when an arrest is required. Guidelines for domestic violence calls recently developed for the Chicago Police Department list the following factors as indicating that an arrest should be made:[15]

Serious, intense conflict — Officers must first consider the nature and intensity of the dispute. Intense disputes of a serious nature most often require an immediate arrest. An intentionally inflicted serious injury certainly requires arrest of the offending party for battery. Likewise, severe property damage is a measure of dangerous aggression which may call for an arrest. However, officers must remember that damage to co-owned property is a civil matter; any resulting arrest cannot be based on damage to the property, but should be based on the assault or disorderly acts committed.

Use of a weapon — If the parties have indicated any intent to use an inherently or potentially dangerous object during the dispute, either offensively or defensively, an immediate arrest of the offending party would be appropriate to prevent a futher, more serious, confrontation.

Previous injury or damage — If the complainant has previously been a victim of the offending party's aggression, officers should consider the extent of any previous injury or damage. The present conflict could become more serious if an immediate arrest is not made.

Previous court appearance — A previous criminal court appearance against the offending party may strongly indicate a victim's sincerity to prosecute. An immediate arrest should be made when it is apparent that the victim's interests would be best served by returning the parties to the court which handled the former complaint.

Previous attempt to sever the relationship — If there has been previous voluntary separation of the parties, indicating an attempt to end the relationship, there is less need to consider the disruptive effects an arrest may have on the relationship. If the parties have separated, intrusion should be considered an aggravating factor.

Second call to police — A second call for police service may indicate that conciliatory measures have failed. An arrest would be appropriate to avoid further escalation of the dispute after officers again leave the scene.

Children, or mentally deficient or intoxicated parties involved — When children, or mentally deficient or intoxicated individuals are assailants or victims in domestic conflicts, special consideration is required. As assailants, they are not easily reasoned with, and, as victims, they are not easily able to avail themselves of criminal, civil, or other remedies. The discretionary latitude of officers is far more limited in such circumstances, and an arrest is more likely to be appropriate. When an arrest is appropriate, officers must ensure that provisions are made for the care of any children who would otherwise be left unattended.

Another set of arrest standards for domestic violence cases was issued by the Westchester County (N.Y.) District Attorney in December 1978. They mandate arrest in the following cases:

Wherever a gun, a deadly weapon, or a dangerous instrument has been used.

Wherever there is reasonable cause to believe that a felony has been committed.

Where there has been a maiming or other serious physical injury.

Wherever there is a history of criminal activity between the parties and where the defendant's record indicates violent criminal history.

Where, in the judgment of the police officer, the sanction of an arrest appears necessary for the future protection of the victim.

A revised domestic violence training manual published by the Oakland Police Department contains the following summary statement:

> It should be presumed that arrest is the most appropriate response in domestic violence crimes which involve apparent felonies, allegations of repeated acts of violence, situations where an offense is committed in your presence, and situations in which a citizen's arrest is demanded.[16]

In many jurisdictions, if police officers do not choose to arrest an assailant, they may initiate several law enforcement actions. These include:

Misdemeanor citations — similar to traffic tickets are issued as a condition of release from police custody. They require the assailant to promise to appear at a hearing and post bail that will be returned. An assailant who does not appear is guilty of the misdemeanor and will lose the money. The assailant also will lose the money if he or she loses the case. This citation could lead to the assailant's arrest only if a magistrate issued a warrant when the assailant did not post bail or did not appear at the court hearing.[17]

Protective custody — used in lieu of arrest to keep a citizen lawfully in police custody for one or two days in situations where the person is drunk, appears mentally unstable, or acts out of control.

Domestic violence summons — currently issued in Ohio in cases where there is insufficient grounds for arrest, to involve both parties in a domestic violence case in a voluntary counseling program (see Appendix E-2 for a sample summons form). This is a method of diversion from the criminal justice system, but prosecution may be considered if the resulting arbitrated agreement is broken by either party.[18]

Domestic violence temporary restraining order — may be filed in municipal courts by police officer *after* arresting an assailant or filing a criminal complaint against the assailant with the prosecutor. The restraining order is used as a means of ensuring the safety and protection of the victim. A hearing on this motion must take place within a given period of time, and the presence of the officer may be required at the hearing.[19]

Extent of Attention and Protective Services to Victims

The way police respond to spouse abuse and wife beating victims is critical. Police operators and patrol officers usually are among the first people to have contact with the victims following the assault. They are, therefore, in a unique position to administer psychological first aid and comfort. If such assistance is delivered sensitively and supportively, it can help a victim to cope with the trauma of a violent assault. But if victims encounter hostility or indifference from the police, they may suffer an emotional injury that could lead to prolonged depression and passivity. The police operators and responding officers must, therefore, behave in a way that begins to restore the victim's sense of personal control and security.

In addition to the manner of the police response, the extent of this response is an important policy question. Should the responding officers, for example, locate emergency housing for the victim? Should they escort the victim to a hospital? What are the officers' responsibilities regarding a citizen's arrest? For many of these questions, only rudimentary answers exist. For others, the guidelines are more clear.

Spouse abuse and wife beating cases involving serious injury require officers to make sure that medical needs are met. In fact, a recent Massachusetts statute requires police officers to inform victims that they have the right "to demand that the officer present drive you to the nearest hospital or assist you."[20] If a seriously injured person refuses medical care, officers should summon an ambulance so that emergency medical staff can make a judgment about the need for medical treatment.

Because many domestic violence cases are repeat calls, the police should try to respond in a way that will help break the cycle of repeated assault and reduce the victim's dependence on police services, giving attention to the possible courses of action that could help victims cope with their situation. Officers also can provide reliable information about available legal remedies and relevant social services (see Appendix E-4 for a sample brochure developed by a police department.) The officers should take the time to explain the "how" and the

"why" of these choices, and offer whatever encouragement is necessary to persuade the victims to pursue some course of action on their own behalf.

To this end, several police departments, as a result of state legislation or court suits, require their officers to read a statement explaining legal procedures available to victims of domestic violence. The New York City Police Department regulation reads as follows:

> The law requires that before you start a court proceeding, because of certain acts that constitute a family offense, you must be informed of the court procedures that are available to you.
>
> You have the right to bring your case either in Family Court or in a criminal court. But once you have started a proceeding in either court, you will not be allowed to change courts. These courts have different procedures and their decisions may have different results.
>
> A proceeding in Family Court is a civil and not a criminal proceeding and its main purpose is to try to keep the family together. If you proceed in the Family Court, you may, if you wish, use the services of the probation department to adjust your differences before you start your case. Probation is able to refer you and the person you are complaining against for counseling or couseling services.
>
> Even before the case is decided in Family Court, the judge may issue a temporary order of protection forbidding certain conduct by the person you are complaining about. This person is called a respondent. At the end of the Family Court proceeding, the judge may dismiss the case, suspend judgment, place the respondent on probation, or issue a final order of protection forbidding certain conduct by the respondent.
>
> A proceeding in a criminal court can lead to criminal punishment and can result in a criminal record for the person you are complaining about. This person is called a defendant. At the end of the criminal court proceeding, the judge may sentence the defendant to jail for the acts committed, dismiss the case, suspend judgment, place the defendant on probation, or issue a final order of protection forbidding certain conduct by the defendant.[21]

Some departments have agreed to distribute referral cards from women's shelters and counseling services to victims of wife beating and spouse abuse (see Appendix E-3 for examples of referral cards). In other jurisdictions, police distribute booklets, prepared by their own departments (see Appendix D-4 for a police department brochure), by the local prosecutor's office, or by women's rights groups, which outline what spousal violence victims should do to protect themselves. These publications are particularly useful because they present a step-by-step descriptive summary of the civil and criminal courts proceedings, as well as listing available counseling and legal services.[22]

The value of police use of referrals in these cases cannot be overemphasized. It is vitally important that the victim, and the assailant, if possible, be referred to an agency equipped to handle spousal violence problems on a long-term basis. Shelters for battered women, which are appearing in cities across the nation, are particularly valuable because their entire program is geared for assault victims. (A state-by-state directory of shelters and services is available at no cost from the Center for Women Policy Studies, 2000 P Street, N.W., Washington, D.C. 20036.)

Police officials should make every effort to press their elected officials and social service agencies to establish hotlines, shelters, and counseling programs if none exists in their communities.

Because assailants may repeat the assaults as soon as police have left the premises, police must realize that victims may be in grave danger if left unattended. Even if the assailant is arrested, he can usually post bail and return to the premises within a few hours. Police must be prepared to take the necessary steps to ensure the victim's safety. Such protection may involve transporting the victim to a friend's or relative's home, a hospital, or a church or synagogue. It also may involve contacting social service agencies for emergency housing services. (Special arrangements will have to be made with any of these facilities located in a neighboring jursidiction.) In one state, Massachusetts, a new statute requires that:

> . . . the law officer use all reasonable means to prevent further abuse, *including remaining on the scene as long as there is a danger to the physical safety of such person* without the presence of a law officer, including but not limited to staying in the dwelling unit.[23] (Emphasis added.)

A final way police officers can be helpful to victims of spouse abuse and wife beating is to assist in a *citizen's arrest.* This tactic is particularly effective in jurisdictions where police officers cannot arrest for a misdemeanor assault unless it occurs in their presence. The victim or an eyewitness can make such an arrest. The officers may then escort the arrested person to the nearest precinct station and assist the victim in processing the arrest. If the officers have reasonable cause to believe the suspect did not commit the offense or that the arrest was otherwise unauthorized, they are not required to take the person into custody, nor to take any other action.

Proper Use and Enforcement of Civil Remedies

Because family and domestic relations courts maintain varying degrees of jurisdiction over "family" offenses in most states, many victims of spouse abuse and wife beating are encouraged to seek civil remedies to protect themselves against further assaults. These remedies usually take the form of protection orders, restraining orders, and peace bonds. In addition to the delay and bureaucratic paperwork required in many states to secure these orders, many jurisdictions have statutory restrictions that reduce their effectiveness. Some such requirements are:

- that the victim be married to the assailant in order to file for relief;
- that a legal proceeding in connection with a divorce, annulment, or legal separation accompany or precede the issuance of an order;
- that the assailant must be arraigned before an order is issued;
- that no arrest for violation of a restraining order can be made until the victim files charges at a formal hearing.

During the past few years, several state legislatures have enacted legislation to grant *ex parte* relief to victims, eliminating the requirement that the assailant be present at the civil hearing, and to make protection orders more effective. These orders generally included all or some of the following provisions included in a recent Ohio statute, which grant police and the courts the authority:

- to evict the assailant from the residence or household;
- to award temporary custody of minor children and to establish visiting rights for the other parent;
- to direct the assailant to refrain from abusing the family or household members;
- to require assailant and/or victim to seek counseling; and
- to prohibit the assailant from entering the residence, school or place of employment of the victim or family member.[24]

In Massachusetts, the victim may go to the district, probate, or superior court to secure an order that, in addition to many of the Ohio provisions, directs the assailant,

> . . . to pay you for losses suffered as a result of the abuse, including medical and moving expenses, loss of earnings or support, attorney fees, and other out-of-pocket losses for injuries sustained.[25]

Other statutory provisions affecting police handling of these civil remedies include requirements that a copy of the order be filed with the police department. A California law requires that a law enforcement agency transmit information about the existence and current status of a restraining order to any law enforcement officer who requests it from the scene of a domestic violence incident.[26] This procedure lets the officer know directly if a violation of such an order is happening. In New York City, as a result of the class action suit brought against the police department by a group of battered women, a police officer who has reasonable cause to believe that a hus-

band has violated an Order of Protection "shall not attempt to reconcile the parties or mediate, and the officer shall arrest the husband."[27]

A final provision, included in the new Ohio domestic violence statute, permits a police officer to file for a temporary restraining order in municipal court on behalf of or in place of a domestic violence victim. The officer can file only after having arrested the assailant or filed a criminal complaint against the assailant with the prosecutor.[28]

Proper Use of Civilian Social Service Aides

Another policy issue that police officials need to address is whether civilian social service personnel should be involved with police officers in handling spouse abuse and wife beating calls. Implied in this issue is the decision about when such aides would be most useful during police intervention. These questions present a real dilemma: Although many police downgrade the significance of these calls, they maintain that only sworn officers are properly equipped to deal with the violence and danger many of these calls present. Police appear to want simultaneously to be relieved of responding to spouse abuse calls and to maintain exclusive jurisdiction over them.

Many police officers, suspicious and distrustful of "social worker types," believe that if social service aides were to accompany them on the spouse abuse calls, the aides would only get in the way and represent "one more body to worry about." Although they may acknowledge the usefulness of trained civilians with crisis intervention skills, many officers believe they can be employed most effectively after the violence is contained. Some policymakers suggest that civilian social service workers can defuse a violent situation more easily than police because they do not represent the authority of a law enforcement agency and, to many people, are not so intimidating.

Many police agencies have experimented with crisis intervention teams and have met with varying degrees of success. Much of the success can be traced to the flexibility and responsiveness of social service agencies and to the willingness of the police officers to accept social service expertise. Also, adequate financial resources available to these programs were

an important ingredient. Three general types of arrangements have proved successful in handling domestic violence calls:

- social service workers accompanying police to the conflict scene but not entering the premises until the violence has been contained and the participants are able to discuss choices of action;
- social service workers stationed at police precincts on weekend nights for telephone or personal follow-up to domestic violence households; and
- social service workers on call on a 24-hour basis to assist officers in placement and emergency services for domestic violence victims.

Another device that has been successful in handling domestic violence calls has been the establishment of victims' advocate offices in many police agencies and prosecutor's offices. The advocates, usually civilians with some social service training, receive all crime reports involving person-to-person serious crimes, including attempted suicides. They follow up with a letter or a phone call to the victim and offer a range of services. In special circumstances, the advocates are available to assist police officers directly at the crime scene. In cases where they are not directly involved, the advocates refer victims to the proper helping agency, explain court procedures, accompany victims to court hearings, and help victims circumvent bureaucratic resistance. An important feature of the advocate's job is to provide information about the victim's status to the officers who handled an incident, allowing them to judge the effectiveness of their actions. (Additional information about these programs may be obtained from the National Victim/Witness Resource Center, P.O. Box 39045, Washington, D.C. 20016.)

Nature of Relationships with Social Service Agencies and Women's Rights Groups

At the same time that police agencies are revising their policies and procedures to handle spousal violence calls, social

service agencies, legal service agencies, and women's rights groups must do the same. Police need services to which they can refer victims for long-term assistance and the service agencies, in turn, rely on police to send them people to help. Without cooperation among various agencies, there can be little hope for any significant impact on the problem of spousal violence. Police officials may find it helpful to participate in a committee composed of representatives from all the agencies offering services to spouse abuse and wife beating victims. Such a committee could assign responsibilities to each of the participating agencies, and could answer such questions as:

- what services are available;
- who is eligible for each service;
- when and where services are available;
- how to refer victims to services;
- what training is needed for each agency's staff members;
- what outreach programs and printed materials are available for victims, including provisions for the citizen's complaints;
- who is the person in each agency responsible for coordinating services to these victims and who can be contacted in the event of complaints or emergencies; and
- what kind of information service can be established to let each agency know if the services it has rendered have had positive or negative effects.

The committee could identify public service gaps and plan for filling them, including such services as a telephone hotline, data collection, public education programs, or medical help. In Detroit, such a committee, named the Social Conflict Task Force, applied for LEAA funds to conduct police training seminars.

The nature of the relationships between police agencies and service agencies will be determined as much by past relationships as by current attitudes. If the police have had an

easy and positive working relationship with the local public welfare agency, for instance, then they will probably find it relatively comfortable to work together on spouse abuse problems. Agencies with which police have had few or negative dealings will be more difficult to work with. In such instances, a person from one of the more "trusted" agencies could be approached to act as a go-between to help smooth out such relationships. Further, unreliable, ineffective, or exclusive agencies probably should be ignored unless their services are vital.

Police officials also may encounter particular problems in their dealings with women's rights groups and advocates for battered women. Many officers are put off by what they regard as these women's radical political beliefs and anti-male attitudes. More important, they believe the women are ignorant of and unsympathetic to the police officer's predicament in spouse abuse and wife beating cases. Women's rights groups, on the other hand, believe many officers are hostile or indifferent to battered women. These perceptions reflect a tendency for each group rigidly to stereotype the other, making working relationships difficult. A good idea would be to begin discussion with an informal meeting in which these complaints and prejudices could be aired. In any event, police officials should prepare for a long-term process to solidify this relationship and not delude themselves that a one-shot session will be sufficient. This commitment is all the more necessary if the women's groups can provide valuable emergency housing and counseling services.

OPERATIONAL IMPLICATIONS

Once police officials have developed a statement of policy to guide their police officers in handling spouse abuse and wife beating cases, they must decide how to put the policy into effect. The steps they take may include changes in allocation of patrol resources, increased data collection and analysis, public education programs, and revisions in training programs. Moreover, the officials will have to devise ways to ensure that police officers are held accountable for implementing the new policy and that they are properly rewarded when they perform

well. If new legislation mandates specific methods of police intervention, administrators must make plans and programs to inform and train officers for the new procedures. New or additional referral materials may have to be written and printed, and the officers taught how to make proper use of them.

The organization of these police services is an important decision. Many departments have formed special family crisis units which handle family calls exclusively; others allow their family crisis officers to answer other calls for police assistance. The most common practice is to train all patrol officers in family crisis intervention and not to form a specialized unit; many officials view these units as too expensive or too isolated from the mainstream of department activity, but, in large metropolitan areas, in which citizens place substantial demands on police resources for spouse abuse and wife beating calls, these units are probably cost-effective and more appropriate. In either case, the decision should be based on an analysis of calls for police services and dispatches.

Police who have been involved in establishing programs for handling family violence calls have developed several guidelines for effective operations.[29] Among them are the following:

- secure and maintain support from the top of the police agency hierarchy and command personnel;
- confront officers' reluctance or ambivalence about dealing with these cases;
- avoid token programs that will expire after a short time;
- insist on departmentwide training;
- include supervisory personnel in the planing of and training for any procedures;
- make long-term plans for implementing the new procedures and training programs;
- arrange coordination with referral agencies;
- use consultants, but only those familiar with police systems; and

- insist on reliable data collection and analysis about police handling of domestic violence cases.

It is important to emphasize that the policy development process should be flexible and sensible. It should be conducted as a means of helping officers perform in an effective and humane manner and of ensuring uniform responses among officers in the same department. Uniformity should not be confused with rigidity. Efforts should be made to encourage and reward officers who demonstrate creativity and imagination in handling these difficult cases.

Chapter 4 Notes

1. J. C. Barden, "Battered Wives Unite to Get Police to Act," *New York Times*, March 3, 1979.

2. Transcripts of these congressional hearings are available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. They include the following publications:
   - House of Representatives, Select Subcommittee on Education. *Hearings on Domestic Violence.* (95th Congress, 2nd session).
   - House of Representatives, Subcommittee on Domestic and International Scientific Planning, Analysis and Cooperation, *Hearings on Research Into Violent Behavior: Domestic Violence.* (95th Congress, 2nd session).
   - United States Senate, Subcommittee on Child and Human Development, *Hearings on Domestic Violence and Legislation with Respect to Domestic Violence.* (95th Congress, 2nd session).

3. International Association of Chiefs of Police, Training Key #245, *Wife Beating*, and Training Key #246, *Investigation of Wife Beating*, (Gaithersburg, Md.: IACP, 1976).

4. Jane Potter, "The Police and the Battered Wife: the Search for Understanding," *Police Magazine* September 1978; Richard Langley and Roger Levy, "Wife Abuse and the Police Response," *FBI Law Enforcement Bulletin* May 1978; and Warren Breslin, "Police Intervention in Domestic Confrontations," *Journal of Police Science and Administration* September 1978.

5. Peoria Crime Reduction Council, *Family Violence — City of Peoria* (Peoria: Crime Reduction Council, January 8, 1979).

6. Herbert Packer, *The Limits of the Criminal Sanction* (Stanford, Calif.: Stanford University Press, 1968), 155.

7. Supreme Court of the State of New York, Consent Decree Between Carmen Bruno, *et al.*, and Robert McGuire, *et al.* Index #21946/76 (Filed June 1978).

8. U.S. District Court for the Northern District of California, Settlement Decree between Mary Scott, *et al.*, and George T. Hart, *et al.* Index #C76-2395 (Filed November 9, 1979).

9. Herman Goldstein, *Policing A Free Society* (Cambridge, Mass.: Ballinger Publishing Co., 1977), 110.

10. Alfred Blumstein, J. Cohen, and D. Nagin, *Deterrence and Incapacitation: Estimating the Effects of Criminal Sanctions on Crime Ratio* (Washington, D.C.: National Academy of Sciences, 1978), 7. See also: Franklin Zimring and Gordon Hawkins, *Deterrence: the Legal Threat in Crime Control* (Chicago: University of Chicago Press 1973); and Herbert Packer, *The Limits of the Criminal Sanction* (Stanford, Calif.: Stanford University Press 1968).

11. Florida State Statutes 901.15(5): *Arrest for Battery Upon Spouse.*

12. Ohio Revised Code 2919.25: *Domestic Violence.* This new law prohibits the following behavior:

    (a) No person shall knowingly cause or attempt to cause physical harm to a family or household member.

    (b) No person shall recklessly cause *serious* physical harm to family or household member.

13. Minnesota State Statutes. Section 5186.01 (1978): *Domestic Abuse Act.*

14. The Oregon Laws. Chapter 845: *The Abuse Prevention Act.*

15. Warren Breslin, "Police Intervention in Domestic Confrontations."

16. Oakland Police Department, Training Bulletin III-J (Revised): *Domestic Violence and Domestic Disputes* (Oakland, Calif.: Police Department November 1979), 8.

17. California Penal Code 853.6: *Misdemeanor Release.*

18. The Cleveland Police Department is currently using summonses for referral to a LEAA-funded demonstration family violence mediation-arbitration program, which handles cases not yet presented to a prosecutor. The following guidelines have been issued to police for when to issue a summons:

When to use the Notice to Appear:

1. When it is a first call or no action was taken on previous calls (as of 3/31/79, the date the new domestic violence legislation became effective).
2. When there is no complainant.
3. When you have determined that prosecution is not possible or appropriate.

When not to use the Notice to Appear:

1. On a repeat call (when one Notice to Appear has already been issued).
2. When you have determined that arrest or prosecution is appropriate.
3. When a weapon or other instrument which would inflict bodily harm has been used.
4. When children are endangered (See Ohio Revised Code 2919.22).

19. See Ohio Revised Code 311.3.31(J): *Relief Available for Domestic Violence Victims.*

20. Massachusetts General Laws, Chapter 209A, Section 6.

21. Laws of New York 1977, Chapter 449, Section 812.2. See also Ohio Revised Code 311.3.31(J) which requires law enforcement agencies to provide information regarding temporary restraining orders and restraining orders to "family or household members involved in a domestic dispute"; and Massachusetts General Laws Chapter 209A, Section 6, which requires police officers to inform "persons suffering abuse" of their rights to file for a temporary restraining order and to file criminal complaints for certain offenses.

22. Examples of these handbooks are: M. Fields and E. Lehman, *A Handbook for Beaten Women* (New York: Brooklyn Legal Services Corporation, 152 Court Street, Brooklyn, New York 11201, 1977); Katie Friedman, *Battered Women: Manual for Survival* (Baltimore: Women's Law Center, 2225 North Charles Street, Baltimore, Maryland 21218, 1976); and Kathy Fojtik, *Handbook for Victims of Domestic Violence* (Ann Arbor: N.O.W. Domestic Violence Project, 1917 Washtenau Avenue, Ann Arbor, Michigan 48104, 1976).

23. Massachusetts General Laws, Chapter 209A, Section 6.

24. Ohio Revised Code 3113.31.

25. Massachusetts General Laws, Chapter 209A, Section 6.

26. California Code of Civil Procedure, Section 527.

27. Supreme Court of the State of New York, Consent Decree between Carmen Bruno, *et al.*, and Robert McGuire, *et al.* Index #21946/76, (Filed June 1978), pg. 3.

28. Ohio Revised Code 3113.31(J).

29. Donald Liebman and Jeffrey Schwartz, "Police Programs in Domestic Crisis Intervention: A Review," *in* H. Snibbe and J. Snibbe (eds.), *The Urban Policeman in Transition* (Springfield, Ill.: Charles C Thomas & Sons, 1974); Morton Bard, *Family Crisis Intervention: From Concept to Implementation* (Washington, D.C.: Law Enforcement Assistance Administration, December 1973).

5

DEVELOPING OPERATIONAL PROCEDURES

Many police officials are becoming more sensitive to the severity of spouse abuse and wife beating problems and to the need to respond to these calls more effectively. An important part of this awareness should be a decision to develop and implement formal written procedures for patrol officers' use. The purpose of these standards or procedures is to provide officers guidance on the range of successful intervention techniques for handling any criminal violation, protecting the victim, and ensuring officer safety, including:

- the alternatives available for dealing with a given situation;
- the factors to consider in choosing among the available alternatives; and
- the relative weight each factor should have.[1]

By limiting police discretion to a certain range of responses, police officials help patrol officers perform with maximum efficiency and effectiveness by focusing their efforts on responses that have proved to be successful. Many police practitioners believe that any limits on discretion are harmful because every family violence case is different, but the same may be said for every type of police call for service. Each case *is* different, but generalizations are possible.

A balanced and practical description of ways to respond to spouse abuse and wife beating cases should enable the officers

to make intelligent judgments in a variety of volatile situations. With proper guidance, officers can respond in a manner that will prove useful and effective; be free as possible of personal prejudices and biases; and achieve a reasonable degree of uniformity in handling similar incidents in the community.[2]

Formal procedures should represent a balanced combination of acceptable standards of conduct with the rules of law and due process. They should be general enough to allow the officers freedom to exercise their unique talents and skills, but specific enough for them to know which actions they should not take.

Police officers interviewed for this report consistently mentioned their need for "greater direction" and "more specific guidance from top brass" on how to handle spousal violence calls. Rather than viewing procedures in a negative light, these patrol officers seemed to welcome advice and guidance. Several officers said they felt poorly equipped with only "seat of the pants" skills and were eager to receive any available materials on the subject. The rest of this chapter presents a summary of operational procedures for step-by-step successful intervention in spouse abuse and wife beating cases. These sample procedures are a composite developed from many written sources[3] and from interviews with more than 150 police officials, training officers, and patrol officers. The procedures should be considered suggestions, and police agencies should review, test, add to, modify, or eliminate provisions that are irrelevant or inappropriate for their communities.

The outlined procedures are divided into two categories: the intervention process and the disposition process. The intervention process extends from the receipt of the call by the police operator to the interviewing of witnesses. The disposition process includes action plans for felony crimes, misdemeanor crimes, and threatened assaults. Many of the steps mentioned often occur simultaneously, but they are presented in sequence to provide a manageable "check list" for police officers. Many of these steps will strike some police as elementary and mundane. They are mentioned as a reminder that often the most basic and obvious precautions are overlooked or forgotten. Furthermore, it must be emphasized that these

steps were composed to assist officers in domestic conflict calls involving the use of violence or the threat of violence.

THE INTERVENTION PROCESS

Receipt of the Call

When a police operator receives a call involving a domestic conflict, he or she must determine if police presence is required at the scene and how quickly it is needed. To make these decisions the operator should ask the caller if violence or a weapon is involved in the conflict. If either is involved, the operator should then gather as much information as possible about when the assault occurred, the whereabouts of the victim and assailant, and the seriousness of any injuries. Threats of violence are to be regarded as serious precursors to physical assault, as has been shown to be true for domestic homicides and aggravated assaults.[4] The operator also should try to determine whether children are at the conflict scene and if either party has been drinking alcohol.

This information should then be relayed to the police dispatcher. His or her decision about dispatching a patrol car to the scene should be made according to the seriousness of the injuries or threatened harm, and whether or not the assailant is on the premises. Evidence of an assault in progress, such as screams or an interrupted or incomplete phone call, should be assigned a priority dispatch status.

In wife beating cases, the operator may try to keep the victim on the phone until the responding officers have arrived, to allow the police department to monitor the situation and to provide comfort and reassurance to the victim. In many jurisdictions this practice would be impossible because of the large number of incoming calls and the need to keep police lines open. If the assailant is still on the premises, the operator may ask the victim to meet the officers at a safer location, such as neighbor's house.

Evaluating the Call for Service

Patrol officers receive most calls over their radios; occasionally they are summoned by a citizen while on routine

patrol. In either case, officers must quickly obtain as many details as possible about the nature of the incident. Most important are seriousness of any injuries; presence of a weapon; whether this is a repeat abuse incident; and whether an order of protection or restraining order is in effect.

If possible, the dispatcher should tell the officers about previous complaints or arrests of the assailant and if children are at the scene.

Arrival at the Scene

Unless a weapon is involved, the officers should proceed to the scene promptly without using lights or sirens. If a weapon is involved, lights and sirens should be used, but they should be turned off before the officers enter the block of the conflict scene to reduce commotion in the neighborhood, to protect the officers against ambush or assault, and to avoid aggravating an assailant who is already out of control.

Officers should park the patrol car as close to the scene as possible, but not directly in front of the residence. They should lock the car before approaching the scene, and take a minute to review with each other what they know about the incident and its participants.

Two patrol officers should respond to spouse abuse and wife beating calls. If personnel shortages or a busy shift prevent such a response, the calls should receive priority backup status. The first officer to arrive at the scene should wait in or near the patrol car until a backup officer arrives. No more than two officers should respond to these calls unless the officers clearly would be endangered without additional support.

The officers' arrival at the conflict scene should be as discreet as possible. If neighbors or relatives have gathered near the premises, they should be asked to leave unless they made the call or witnessed the conflict. Anyone directly involved should be taken aside, identified, and questioned briefly. Witnesses should also be advised to remain close by for further questioning.

Next, the officers should make an external assessment of the premises, checking for danger signals such as double-

parked cars, broken glass, and people leaning out of windows. If possible, a quick survey of the side and back of the property should be made to identify possible exits. In rural areas, a pen of hunting dogs may suggest the presence of weapons in the house, as would a gun rack in a pick-up truck, or a National Rifle Association membership decal posted in any vehicle window. Officers should look for toys, bicycles, sandboxes, swings, and other evidence that children may be present.

Approaching the Conflict Scene

Officers should approach the scene cautiously and quietly, as much to avoid aggravating the assailant as for their own safety. If they are approaching a house by a front sidewalk, the officers should walk apart, with one officer preceding the other in order to minimize the effects of an ambush. If it is night, flashlights should be held away from the body and pointed toward the ground, rather than toward either officer or the household.

If entering an apartment building, the officers should try to speak with the resident manager before approaching the apartment where the conflict was reported in order to determine if he or she knows anything about the nature of the incident and whether past assaults have occurred. The officers should not permit the manager to accompany them to the conflict scene. Next, they should proceed to the scene by a stairway or elevator to the floor above the apartment, and walk down. If the conflict apartment is on the top floor, officers should proceed to the next lower floor and walk up. When using a stairwell, the officers should stay to the left side of the stairs, with one officer preceding the other by half a flight. On the designated floor, officers should note the exits and check any open doors. All these measures are taken to ensure the officers' safety.

At the door, officers should listen for 10 to 15 seconds for any sounds. If possible, one of the officers should look through a window to see what is going on in the house or apartment. Such action is covered by the plain view doctrine. It can establish probable cause that a crime has been committed, a necessary requirement especially if officers must make a

forced entry. If there is a screen door, officers should try to see if it is locked.

If the victim and assailant are in a corridor or lobby, they should be escorted to a private area. Officers should keep them separated, one officer walking between them and the other officer behind all of them.

Gaining Entry

Before knocking on the door, the officers should position themselves on either side of the doorway. If a window is nearby, one officer should stand by it to observe the person who will answer the door. The other officer should knock on the door, making sure to resume a position to the hinge side of the doorway as a protection against possible gunfire.

The next few seconds are critical for the officers and they must be prepared for several developments. Most likely, someone will come to the door and ask who is there. The officers should identify themselves and explain they have been notified that someone inside may be hurt and they want to come in and make sure that there is no problem. At this point, the person at the door may invite the officers to come in or may refuse them entry. If they are refused admittance, the officers should consider a forced entry if they have reasonable cause to believe the victim is in danger. Evidence of such danger would be cries of distress or for help, signs of a struggle, or weapons displayed. (Although the Supreme Court ruled, in *Payton* v. *New York,* that police may not make a warrantless and nonconsentual entry into a suspect's home to make a routine felony arrest, such an entry was approved for "emergency and dangerous situations." Immediate physical harm to a victim appears to qualify as an "exigent circumstance" and, thus, permits police to make a warrantless forced entry.) Police should not enter if someone yells, "Come in." Rather, they should wait for someone to open the door. Once inside, the officers should close the door behind them.

Another possible response to the officers' knock is that someone will open the door immediately. If it is the person who has made the call to the police, usually the victim or a third

party, the officers probably will be invited in without argument. In most of these instances, the assailant has left the premises.

If the assailant opens the door, the officers may have a difficult situation to handle. Depending upon the assailant's composure and state of sobriety, he may either become more hostile at the sight of the officers or more controlled and complacent. If the former, the officers must be alert to possible physical assault or use of a weapon and, in the latter case, that they may be dealing with a "walking time bomb." Either way, the officers should wait to be invited inside but should not hesitate to make a forced entry if necessary to protect the victim.

If no one responds to the officers' knock, one officer should knock on a back or side door. If again no one answers, they may consider a forced entry if there is convincing evidence that the victim is in danger. On the other hand, someone may answer the door but refuse to speak with the officers or insist that they leave. Before the officers leave the scene, they should resolve for themselves that no crime has been committed, that no crime is in progress, and that neither party has been intimidated into silence. They may make these determinations by inspecting the premises and by interviewing family members and neighbors. Following their decision to leave the scene, the officers should depart promptly, lest they become targets for citizen complaints of police harassment or officer officiousness.

Handling Violence in Progress

In many instances, especially those in which a third party has called the police, the assault may be in progress when the officers arrive at the scene. If the officers hear or see signs of this situation, they should first knock on the door to gain entry, but quickly enter the scene to interrupt the assault. Both officers may be needed to restrain the assailant, and a call for additional officers should be made as soon as possible.

In those cases which are particularly out of control, the victim may assault the officers who are attempting to subdue the assailant. The victim may fear that the officers are harming

the man or she may wish to demonstrate her loyalty to him. Often the victim has called the police for a specific purpose—to stop the violence—and becomes resentful or panicky when the officers use force against the assailant and/or indicate their intention to arrest him. It is important for the officers to be aware of the victim's reactions to their use of force and to try to keep her in view at all times.

If both parties have been assaulting each other, each officer should be responsible for subduing one of the parties. This is an extremely volatile situation because both parties may turn their aggression on the officers. In this case, force may be needed to restrain the parties. Officers should use the minimum amount of force necessary so as not to escalate the violence. In some instances, both parties will need to be handcuffed until order is restored.

Officers must be alert to possible use of a weapon by either party. This may be difficult if the officers' immediate attention is focused on restraining them. Nevertheless, they must disarm either party holding a weapon or confiscate any weapon displayed in plain view and hold it for evidence if an offense report is prepared. In some jurisdictions the officers cannot legally take the weapon for safekeeping if the victim only fears that it will be used, unless it belongs to the victim. Blunt objects which may be used against the victim or the officers should also be removed from reach.

Establishing Control

Once the assault is stopped, the officers should then assert control of the situation by acquiring information and evidence about the nature of the violence. If the officers do not speak the language used in the household, they should try to locate an interpreter. The whereabouts and identities of all persons at the scene must be established first, followed by a determination of the extent of any injuries suffered and of any weapons in the household. If a barking dog is present, the officers should ask someone to remove it from the household. The parties involved should be visually frisked by the officers. If one of them is to be physically frisked, he or she first should be informed of the officer's intention. The frisking should be con-

ducted while the other officer is in the same room. The victim and assailant should then be separated out of hearing range of each other but close enough that the officers can maintain eye contact with each other. If possible, the couple should move to separate but adjoining rooms, and the officers should refrain from touching them.

If a third party or children are present, they should be sent to a bedroom and asked to shut the door. If only small children are present, they should be placed in a crib or playpen.

No person should be taken to the kitchen because the availability of knives could escalate the violence. The officers should avoid removing either party to a bedroom because it is not only the primary storage place for handguns kept for self-defense, but may also symbolize the most intimate and, therefore, volatile part of the couple's relationship.

In some cases, the assailant may barricade himself in a room, usually a bedroom or bathroom, when the police arrive. Often he refuses to come out and says he is armed with a knife or firearm. The responding officers should first attempt to coax him to come out peacefully. If this approach fails, the officers should radio for their department's tactical unit and establish a perimeter around the household. They should then evacuate everyone from the household and, if necessary, use the public address system in their patrol car to warn neighbors to remain in their homes or apartments, or to evacuate the immediate vicinity. At no point should the responding officers attempt to enter the room in which the person is barricaded or to use tear gas to flush him. Barricade situations sometime require several hours to resolve and are best left to the tactical units which have both the time and the training to handle them properly. Use of tactical units is essential if the barricaded person is holding a hostage, such as a child or relative. Extreme caution and patience are required in these situations and the assistance of a trained negotiator is usually necessary.

Order is restored only when the officers have located and positioned every person in the household and eliminated all sources of noise and commotion from the scene, such as interfering neighbors, a blaring stereo or television set, or a bark-

ing dog. The household must be quiet and calm before the officers proceed.

Assessing the Situation

If the officers agree that the situation is under control, they should begin to determine if a criminal violation has occurred, and what emergency services are needed. They should focus their attention on *what* happened, and not *why* it happened. As they do this, it is extremely important that the officers convey a professional attitude. They should realize that the couple is under a great deal of stress and may be humiliated by the need for police intervention in their home.

The officers should first determine the seriousness of any injuries and summon medical assistance if necessary. This procedure can be particularly difficult in wife beating cases for several reasons. The victim is often suffering from shock or trauma when the officers arrive and cannot accurately answer inquiries about the nature and extent of her injuries. Other victims, fearing retaliation, deny the seriousness of the beating.

In many cases, these situations are complicated because many assailants beat their victims on the chest or back with fists. Injures from such a beating, such as bruises, internal injuries, or cracked ribs, are not always initially apparent. The officers should make every effort to ask specific questions about the beatings, especially the location of the blows, and should look for signs of internal injury, such as abdominal pain or tightening as well as for any blood or clear (spinal) fluid flowing from the nose, mouth, or ears. In addition, the woman should be asked if she is pregnant, as the assault may have injured the developing fetus and could result in a miscarriage without proper medical attention.

Officers must try to get a clear account of what happened, avoiding humorous remarks, moral pronouncements, or judgmental statements about the couple's lifestyle or behavior. Realizing the people may be embarrassed and ashamed, the officers should not humilitate them further. After each party has had an opportunity to explain his or her version, each officer should help the individuals focus addi-

tional remarks or descriptions on specific behavior rather than on recounting past incidents or problems. It is important to remember that a person should be stopped and advised of his or her rights when he or she becomes the subject of direct police questioning or begins to incriminate himself or herself.

In determining whether a felony or misdemeanor criminal violation has occurred, the officers must be familiar with a wide assortment of assault, weapon, and disturbance statutes. Efforts must be made to determine "probable cause" that this assailant committed a crime, using the following indicators:

- seriousness of the injury;
- use of weapon;
- threats to the victim;
- violent actions of the assailant; and
- level of intoxication.

It is also important to evaluate the emotional state of the man and woman to make proper judgments about what actions to take. Special attention should be given to nonverbal behavior indicating stress: eyes blinking, playing with hair or clothing, excessive smoking, covering face with hands, crossing arms and legs. Officers should never stand too close to or touch either person, as these actions may incite a violent reaction. As noted earlier, many victims may be suffering from trauma and appear dazed. Others may break down into sobbing and become disoriented, while others may become angry and hostile. Assailants react to the officers' presence in different ways, such as increased submissiveness or hostility. If either person seems quiet or in complete self-control, special attention and care should be given to help the person express feelings, lest the person suddenly explode or release the tension much later.

All of these reactions are exaggerated fear and anxiety responses and should be met with calm, reassurance, and patience. At this point, especially, the officers should avoid acting as if they are rushed, bored, or unconcerned. They should make every effort to give the individuals enough time to regain their composure at their own speed. If one or both of the par-

ties need more time than usual, the officers should inform the police dispatcher that they will be tied up longer than expected.

Caring for the Victim

The officer who tends to the victim should make special efforts to care for her physical and psychological well-being. In wife beating cases, the woman will need to be reassured of her safety and security, and that of her children. She will also need a calm, secure atmosphere in which to vent her feelings of helplessness, fear, anger, embarrassment, and anxiety. Victims should be encouraged to express whatever feelings they are having, but many times their true feelings will be covered over by a nervous laugh or extreme composure. These are defense mechanisms the victim uses to buy time until she feels more in control. Officers should respond with empathy and reassuring statements, such as, "It's over now. You're safe," or "You've been through a lot, but it's over." If the victim is suffering from hysteria, she may be soothed by engaging in a conversation about something unrelated to the immediate problem or performing a routine task, such as responding to the officers' request for an ashtray or a pen.

After assuring the victim of her safety and gathering basic information about the situation, the officer should tend to her medical needs. Since many battered women suffer internal injuries, their ability to diagnose their injuries is sometimes limited. In most situations the woman should be encouraged to seek medical attention, unless there is convincing evidence of superficial wounds or scratches only and the victim strongly resists medical care. Verification of any injuries is, however, a necessity if the victim intends to press charges against the assailant.

Some victims will resist medical care even if they are seriously injured. In these cases, an ambulance should be summoned. The ambulance attendants can decide whether hospitalization is necessary. If the victim has summoned a friend or neighbor, this person could also be told to get the victim to medical care if the urging of the officers is unavailing.

Although the wishes of the victim should be respected in most cases, confusion, shame, and fear may prevent the necessary care and attention.

Sometimes the victim denies the beating for fear of reprisal or because of inability to admit the reality of the situation and may attempt to reassure the officer that everything is fine and that police presence is no longer needed. If this happens, the officer could ask the victim to repeat the account of the incident or ask more questions about evidence that an assault has taken place. Officers must remember that many victims only want police officers to stop the violence and *nothing more*. If this is the case, officers should explain their law enforcement duties and emphasize the danger of repeated beatings. Also, the officers may have to emphasize that the victim has suffered a criminal assault, not permitted between *any* two citizens, regardless of their relationship.

If the officer is having trouble communicating or establishing rapport with the victim, it may be helpful to leave the victim alone for several minutes to collect her thoughts, or to ask if she would like to call a friend or relative to come over and stay during the rest of the police interview. (It is important to determine that this person is not someone who is the cause of or a contributor to the violent situation.) Often, the officer need not wait for the person to arrive before proceeding with the interview, because the victim may regain some composure from knowing the person is coming. If the victim does not want anyone to know about the assault, the officer might suggest that a staff person from a nearby battered women's shelter or social service agency be summoned.

The officer should make sure to elicit the following specific information:

- nature and extent of injuries;
- use of force or weapons;
- threatening language or actions;
- nature of the conflict leading up to the violence;
- history of past conflicts and violence, and of previous police interventions;

- legal status of the relationship with the assailant;
- previous attempts to sever the relationship with the assailant;
- civil injunctions now in effect against the assailant; and
- alcohol or drug abuse problems of the assailant.

Once this information has been gathered, the officer should repeat a summary of the facts to the victim. This is a self-correcting exercise in which the officer should ask the victim to revise any wrong information, interpretations, or conclusions.

If the assailant has left the household, the officers should ask the victim for a physical description, as well as information about possession of a weapon, use of and description of an automobile, and any suggestions about where he is likely to have fled. In situations requiring a felony arrest, this information should be relayed to headquarters and a bulletin issued on the suspect. If the assailant is currently on parole or probation, the officers should advise the victim to contact the probation officer as soon as possible.

Interviewing the Assailant

The officer who speaks with the assailant must be alert for an outburst of violence at the slightest provocation. For this reason, the officer and the assailant should go to an adjoining room and be seated as quickly as possible. If the assailant is still yelling and threatening, the officer should say nothing for several minutes. Some assailants are calmed by the officer whispering to them. In some cases, the assailant will have to be handcuffed as a restraint measure. It is a good rule for the officer never to touch the assailant unless force is needed for restraint.

If the assailant appears to have calmed down, the officer should suggest taking several deep breaths to relax further. Giving the assailant the time to regain composure may minimize additional violent outbursts. Once the assailant is calm, the officer, sitting directly opposite, should explain what will happen next and why, emphasizing that all the facts must

be gathered before any decisions can be made. It is important that the officer convey a businesslike demeanor with the assailant and do nothing to aggravate the situation. The officer should not make the assailant feel inferior, powerless, or ridiculed, nor should the officer minimize the seriousness of the assault or indicate sympathy.

Questioning the assailant should be direct and concise, and should be conducted in a fact-finding manner, taking special care to ensure the assailant's constitutional rights of due process and protection from self-incrimination. Initial questioning should be general and aimed at allowing the assailant to give a description of the situation, without interruption, as long as there is no self-incrimination. Should self-incrimination occur, the officer should interrupt, tell the assailant what is happening, and read the *Miranda* warnings.[5]

The officer will need to establish whether the assault was accidental, a matter of self-defense, or a criminal violation, by gathering the following information:

- nature and extent of the violence;
- nature and extent of any injuries;
- use of weapon against the victim;
- nature of the conflict leading up to the violence;
- history of past conflicts and violence, and of previous police interventions;
- legal status of the relationship with the victim; and
- civil injunctions now in effect against the assailant.

In deciding to focus the questioning to an interrogation for incriminating information, the officer must inform the assailant again of the right to protection from self-incrimination.

The officer should pay close attention to any evidence of alcohol or drug abuse by the assailant, or of possible mental or emotional disturbances. The officer may want to try some "reality testing" by summarizing for the assailant what has been said, possibly purposely mixing up a minor detail or mak-

ing erroneous conclusions to see if the assailant corrects him. These techniques, however, should never be tried on a significant issue that could lead to an escalation or to controversy. The officer should be alert to areas of inquiry that make the assailant uncomfortable, as indicated by a sudden silence, moodiness, shifting the conversation, or a sudden outburst. The officer should remain silent or gently probe for more details. If the assailant resists, the officer should go on to other matters and return to the uncomfortable topic at the end of the interview.

When dealing with the assailant, it is important for officers to remember they may be dealing with someone who is very concerned with issues of power and is angered or embarrassed by the presence of police. The fact of the assault itself suggests a strong need to dominate someone weaker in order to maintain feelings of superiority and control. Officers must be sensitive to the difficulty the assailant may have in coping with their presence and the power they represent, perhaps more so than the other criminal offenders they encounter. This may particularly true if the assailant is a member of a minority group and both responding officers are white. Therefore, any unprovoked blatant show of police force (resting a hand on the service revolver, gruff commands, threats to arrest) should be avoided.

Interviewing Witnesses

As soon as possible, the officers should interview any people who witnessed the violent episode. If witnesses must be interviewed before a disposition decision is made, usually the officer who has been interviewing the victim should do so. The victim should accompany the officer, as it would be unwise to leave the remaining officer alone with both the assailant and the victim.

The witnesses should not be interviewed in the victim's immediate presence, but close enough so the officer can keep her in view. Having separated the witness from any group of people that may have gathered, the officer should establish the relationship of the witness to both the victim and the assailant and make an assessment of the person's reliability. The officer

should ask the witness what he or she saw or heard, and attempt to verify that the person was in a position to see or hear what happened.

The officer should try to find out if the witness knows of any previous assaults within the household and if the victim has been seriously injured before. The officer should ask about the presence of weapons in the household.

Children who live in the household should be questioned carefully and gently. They may be extremely frightened, and should be asked only very general questions about the assault. If they show signs of trauma or distress, the questioning should stop. In addition, if the case involves weapon use, or if the officers think the children have been exposed to a dangerous and traumatic situation, they should contact the protective services division of a child welfare agency for follow-up evaluation.

Children should not be separated from the victim except in situations in which the victim requires medical attention. In these instances, the officers should help to make arrangements for the children to stay with relatives or neighbors. Moreover, if the children show any signs of fear of the assailant, they definitely should be removed from the household.

THE DISPOSITION PROCESS

Developing a Plan of Action

After the officers have stopped the violence, restored order, and acquired the necessary information, they should decide how to resolve the case. At no time should they leave the assailant unguarded, to prevent a second attack.

The officers' first consideration should be the physical, emotional, and safety needs of the victim and children. Next, they should determine if the elements of a felony or misdemeanor offense are present. Third, they should consider what actions would be effective in preventing future assaults.

Several steps chosen in conjunction for each person may work more effectively than one single action. For example, a victim may be advised to seek a protection order, and referred for medical attention and for emotional counseling, as well. An

assailant may be arrested, but may also be advised about how to find other living arrangements or referred to an alcohol abuse treatment program. Officers should try to select from the range of alternative actions to fit the particular needs of each case. This requires extra effort, flexibility, and a knowledge of available services in the community.

Once the appropriate actions and referrals have been selected, the officers should decide who is to perform which tasks, such as calling for a paddy wagon, or contacting relatives or a battered women's shelter.

Felony Assault

In cases involving intentionally inflicted serious injury or use or threatened use of a weapon, many jurisdictions require a felony arrest.

Often, the victim does not want the officers to arrest the assailant because she views this action as permanently altering the relationship. Rather, the victim wants the officer to make the assailant stop the violence. Occasionally, victims will resist the idea of having their assailants arrested out of fear of reprisal when the assailant is released. Some women may also have economic worries if the man is the only breadwinner in the household; an arrest would mean lost pay and possible loss of employment. Others are so traumatized or embarrassed by the beating, falsely blaming themselves for provoking the attack, that they simply want everything to settle down quickly and quietly, and for the police to leave by the back door so that neighbors won't see them.

Prosecution of these cases is difficult without the victim's cooperation, but it is possible in felony offenses. If there is strong circumstantial and physical evidence to establish probable cause that a felony assault or battery took place, some state statutes allow officers to conduct an investigation under their own authority and refer it for prosecution in the name of the state. If the officers decide to arrest without the victim's cooperation, they should explain carefully their duties and the requirements of the law. Such an explanation may result in long-term benefits for the victim, such as increasing the

perception of the assault as a crime, encouraging termination of a brutal relationship, and providing initial support and safety to make the transition to a new life. Also, officers should devise a plan to ensure safety from the assailant, such as securing an order of protection or finding temporary living arrangements elsewhere.

Taking the suspect into custody — The officers should first inform the assailant of the charges on which they are making the arrest and then read the *Miranda* warning. The victim should be secured in another room while the assailant is escorted from the household. As in all arrests, officers should use a minimum of force, and should try to disperse any crowd that has gathered outside the household before escorting the assailant to the patrol car. The suspect should then be taken to the appropriate booking facility and, depending upon the agency's procedures, the officers should continue the interrogation, complete the necessary report forms, transport the suspect to a separate detention facility, or return to routine patrol.

Gathering evidence — Collecting physical evidence is essential if the victim wishes to proceed with criminal prosecution against the assailant. It also may serve to establish a pattern of abuse if the victim decides to take legal action later on.

The most important evidence to collect is evidence of serious injury, which can be verified by an examining physician. Detailed information about each cut, bruise, scrape, or fracture should be recorded, along with the physician's judgment about the type of weapon and amount of force needed to inflict the injury. The hospital or the police evidence unit should arrange to take color photographs of the injuries, with the victim's consent.

A second type of evidence is articles that tend to corroborate the occurrence of violence, such as a weapon, torn or bloodstained clothing, broken window glass fragments, and broken furniture.

The condition of the household or apartment scene is the third type of evidence. A photograph or narrative description of the scene can help to establish that an assault took place. Officers should record any evidence of a struggle, such as a

forced door lock, broken windows, broken or overturned furniture, bloodstains, torn curtains or furniture, and thrown articles.

Report filing — In domestic cases involving violence or serious injury, the officers should file an official report regardless of actions taken. The report helps to establish a case file on the household that will be useful to dispatchers and officers responding to future calls for assistance. This information also may be used to establish a pattern of abuse if one of the parties is subsequently killed by the other or commits an aggravated assault.

If an arrest is made, officers should complete the required forms with as much detail and precision as possible, recording information on the nature and extent of any injuries, as well as a description of weapons used. The brand name, caliber, and model of any firearms involved should be recorded, and whether the owner legally possesses the firearm. A description of the scene should note any broken windows, broken furniture, and damaged walls or doors. The officers should record any torn or bloodstained clothing on the victim or assailant, and any violent behavior of the victim and assailant in the officers' presence. Any threats that were made should be recorded, as well as the presence or participation of any third party in the conflict.

Misdemeanor Assault

A misdemeanor assault is one that results in physical injury involving substantial pain or impairment of a physical condition. The precise statutory requirements for these assaults vary widely among jurisdictions but usually entail less physical injury than a felony assault. Further, in many jurisdictions police officers cannot make an arrest for a misdemeanor assault unless it occurs in their presence. This requirement is changing in many jurisdictions as a result of new domestic violence statutes.

Taking the suspect into custody — If, as a result of expanded police authority, the officers decide to make an arrest, the same procedures should be used as for a felony arrest.

Following the arrest, the suspect should be taken to the appropriate court for processing. In certain cases, the officers may wish to negotiate a dismissal of the charges with the district attorney if the assailant agrees to enter a treatment program. Such an agreement would be nullified if the assailant were to be arrested for a subsequent assault, and the assailant would be prosecuted for both offenses.

Officers also may make an arrest for violations of civil injunctions, such as protection orders and restraining orders. In many jurisdictions, the victim must return to a court hearing to file a separate motion alleging violation of the order, after which a contempt of court citation and arrest warrant are issued. This practice is being modified in some jurisdictions to eliminate the court hearing and permit arrest if the officers have reasonable cause to believe the assailant knew of but willfully disregarded the conditions of the order. Many jurisdictions now permit officers to verify the status of an order by telephoning a central police warrants unit rather than requiring the victim to present a copy of the order before a police action can be contemplated.

If the assailant appears to be intoxicated or mentally unstable, officers may consider protective custody for observation before pressing formal charges. Usually the time allotted for this type of custody is limited to one or two days.

Making a citizen's arrest — If the officers do not have the statutory authority to make an arrest but the victim wishes to press charges, a citizen's arrest may be made. The officers may first wish to establish that the charges are justified and then escort the arrested person to the nearest precinct station to assist the victim in processing the arrest.

Referral for civil action — If both the officers and the victim decide not to pursue criminal charges, the victim may file civil actions in the court having jurisdiction over family matters, usually the Family Court or Domestic Relations Court. Most often, the victim either obtains a protection order or files for divorce or separation, sometimes both. Many jurisdictions no longer require the defendant to be present at a court hearing before issuing a protection order.

Officers should explain the choices for action to the victim clearly and concisely, including the relative effectiveness of each measure, and the costs and logistics involved. It would be particularly helpful if officers were provided with a brief written description of these actions that they could review and leave with the victim. If such handouts are not available, the officers should write down the information, including directions and telephone numbers, and leave it with the victim.

Officers should encourage the victim to take whatever actions she can to ensure her safety. Although no civil injunction can guarantee safety, obtaining such an order may engender a sense of control and remove feelings of helplessness and passivity.

Restraining orders, in particular, often are issued in spouse abuse cases. These orders can take several different forms. In California, for example, there are three types of restraining orders:

- Restraining orders as a part of a divorce suit or separation agreement;
- Domestic violence restraining order for victims of violence committed by a present or former spouse or paramour; and
- Harassment restraining order for assault victims who did not suffer an injury.

Copies of these orders usually are filed with the local police department and can be renewed either monthly or annually.

If the victim wants to file for a legal separation or a divorce, the officers should encourage visting an attorney, the local legal aid society, or a community legal services office. Women's rights groups and battered women's shelters can provide female victims with information about obtaining a divorce.

A final form of civil action the victim may want to take is to have the assailant committed to a mental institution as posing a continuing threat to himself and others. This may follow the officers' decision to take the assailant into protective custody and to admit him to a psychiatric facility. The victim

should be informed that a psychiatric examination and a court hearing must be held in order to make a long-term commitment, and should know that courts are increasingly viewing such commitments as violations of civil liberties and are denying a large number of commitment petitions.

Referral for social services — Many couples will need counseling and assistance, whether or not they stay together, even if they file criminal or civil legal actions. It is important for officers to refer the victim and assailant to the proper social services; this single action could prevent the officers from being summoned back to the household to handle subsequent assaults.

In order to make an effective referral, the officers must have *diagnostic skills* to evaluate what type of problems exist and what type of services are needed; and *relevant and reliable information* about available social services in the community. Without skills or information, the time spent making the referral will be wasted; it will represent only the officers' desire to handle the call quickly and cleanly, with no real involvement. To handle a domestic violence call this way is tempting, especially if the officers are fatigued or annoyed at receiving repeated calls to the same household. After responding to several hundred spouse abuse calls, the officers may not exhibit the sensitivity and interest that the victim and assailant expect, However tired or disgruntled, the officers should try to see the people before them as individuals with unique problems and social service needs.

Many victims and assailants will refuse either to accept or to follow through with a social service referral from police officers. Their resistance is a result of many factors, including their shame and embarrassment, a deep distrust of social service professionals, a tendency to minimize or deny their problems, or a desire to handle their problems without outside assistance. Whatever the reasons, the officers should not press the matter but should leave an agency name and telephone number on a piece of paper for possible future use. Some police departments go one step further and refer these cases to special crisis intervention workers or to victim/witness centers for a follow-up telephone call or visit. In Detroit, for instance,

the county social service agency detailed one of its social workers to a precinct station on weekend nights to work with persons involved in domestic disputes and violence.[6] Other departments are hiring victim advocates who receive copies of all incident reports involving domestic violence for follow-up and referral. Another example of a social worker-police collaborative effort is the Pawtucket (R.I.) police crisis teams.[7] These teams are composed of a police officer and a social worker who counsel family violence participants in their homes or in the police station immediately after police referral.

If the officers do make a referral, they should recommend one agency—two at the very most—to avoid confusion. They should make a separate referral for the victim and the assailant if necessary and should spend time describing the service to each of them. They should give precise information about the agency's address, how to get there by car or public transportation, hours of business, telephone numbers, and recommendations about what kinds of documents the agency will want to see. The person being referred should be told to ask for the "intake worker" when calling the agency for an appointment.

The officers should reassure the individuals that almost everyone needs some professional help or marriage counseling at some time and that they are free to refuse the services if they are found to be unsatisfactory. If possible, the officers should attempt to obtain an agreement from the individuals to a specific plan of action about who will make the call, how they will get to the agency, and what papers they will collect to take with them.

Follow-up — Officers should develop or participate in a formal network so that they can find out how effective the referral has been. They should be encouraged to follow up, with either a visit or a telephone call to these couples, to ascertain if their efforts were at all helpful to the individuals. Officers should not contact the social service agency directly, because many such agencies regard these inquiries as invasions of their clients' privacy. If the officers cannot contact the couple, the case should be referred to a victim/witness program for follow-up.

When the officers do not make an arrest, they should file a miscellaneous incident form so that the dispatcher has a record of their response. A description of the conflict, the participants, and any injuries sustained should be included, as well as an explanation of why no action was taken. If the couple was separated or a referral made, the information should be noted on this form.

It is necessary to document the officers' response and role in these cases precisely because the situations are so dangerous and likely to be repeated. Also, if the victim chooses to file a civil action, the officers may be supoenaed to testify to the condition of the parties at the time of the call and will need to refresh their memories with an accurate record of the incident. If recording this information in a written narrative is too time-consuming, officers could be provided with a checklist type of reporting form or a small tape recorder to dictate the information.

Threatened Assault

In situations involving slapping or shoving which do not result in injury, officers should consider these actions as precursors of violence, especially if these actions are accompanied by verbal threats of violence.

Issuing a citation — In some jurisdictions, officers are permitted to issue summonses, appearance tickets, or citations for offenses that are either low grade misdemeanors or violations, such as harassment or disorderly conduct, and which occur in their presence. They are urged, however, *not* to use this procedure if there is any reason to believe the violence will recur. If cited, the suspect either agrees to pay a fine or is taken to the precinct station where he may be scheduled for a future court appearance and released on his own recognizance. If the incident did not occur in the officers' presence, some jurisdictions allow the victim to initiate a citation or summons against the suspect at an appropriate summons court. In order to do this the officers must first file an incident report.

In other jurisdictions, where a suspected person has been cited and released the officer is required to fill out a form with his or her signature, badge number, date, place, time of cita-

tion, and suspect's name. The form is given to the victim. The victim may show this form to officers who respond to subsequent assaults as evidence of prior assaultive behavior.

Separating the parties — If there is no evidence of physical injury and neither the officers nor the victim wishes to initiate misdemeanor charges, separation of the parties is recommended. In such cases, one or the other must be removed from the household to other living arrangements. The officers should remain on the scene until the separation is completed and, in some cases, should transport the departing person to the new living arrangements.

If the parties are to be separated, they should be interviewed separately by the officers to determine who is in a better position to leave. Accommodations with relatives and friends should be investigated first, followed by those offered by public service agencies. In cases where there would be little economic hardship, accommodations at a hotel or motel should be explored.

If children are involved, the parent who is to care for them should be allowed to stay with them in the household. This consideration is especially important for women involved in wife beating cases: many have left their homes following a beating and later lost child custody suits because they "abandoned their children," or have been charged with "desertion" in divorce suits and have lost their claim to jointly owned property. These judgments are becoming less frequent, but these factors surface in many fault divorce cases and in most child custody suits.

A victim choosing to stay in the household, with or without children, should be encouraged to seek a protection order or restraining order from civil court directing the assailant to keep away from the premises. Some state laws grant such orders only if the couple is legally separated or has commenced divorce proceedings; others grant some form of protective order for assault victims. Many of these orders are ineffective and do little to deter the assailant, but they do provide the victim with a legal foundation on which to press

charges if the assailant violates the order. It also shows willingness to take self-protective actions and to end or change the relationship.

Many times, however, the victim will want to leave the household and stay with friends or relatives. Officers should help with the necessary arrangements and should make sure transportation is available. Officers should remind the victim to take only personal or co-owned property. No property solely belonging to the assailant should be removed from the premises. The officers should advise the victim to take a checkbook, credit cards, bank account books, birth certificates, insurance policies, medical identification cards, and other documents necessary to establish eligibility for emergency services and credit.

Many assailants become extremely violent when they learn that the victim is leaving the household. Officers should be particularly careful with the assailant at this time and should not let him see or speak to the victim at all. The victim's destination should be kept confidential.

Officers may suggest that the assailant call a friend or relative to come over for a while. Many assailants are too defensive to acknowledge their need for support; others will agree to summon someone. Although the officers should not condone or minimize the serious nature of the assailant's behavior, they may try to provide support as he is confronted with the consequences of his behavior. At this point the assailant may be most susceptible to the officers' suggestion to seek some form of counseling, especially if the assailant feels depressed or suicidal.

Shelters and service programs designed specifically for battered women and their children are being opened in most American cities by women's groups, social service agencies, and church groups. (A state-by-state listing of these shelters and programs may be obtained at no cost from the Center for Women Policy Studies, 2000 P Street, N.W., Washington, D.C. 20036). Officers should learn about these programs and refer as many victims to them as possible, as they provide a full range of counseling, legal, and economic services. Many

shelters also have a 24-hour emergency telephone number, which may be used by victims as well as by police officers who need advice or assistance in handling a particularly difficult case involving, for instance, a traumatized victim or one who refuses to seek medical attention. Some of these service groups also offer counseling for couples and special group sessions for assailants. Even if the victim does not want to go to the shelter or counseling program at that moment, she should be told about it and encouraged to call them for advice and support. Many police departments are now distributing to battered women special referral cards or brochures describing these shelters (see Appendix E.3 and E.4 for examples of these cards and brochures).

The situation may arise, however, in which neither the victim nor the assailant agrees to leave the premises. If the victim will care for the children and/or wishes to stay in the household, the officers first should try to negotiate a solution with the assailant that includes one day away from home. If negotiation fails, they may issue a stern warning and urge the assailant to leave the premises. While the officers have no legal basis to remove the assailant from his home, they may make an arrest if the assailant threatens the officers or the victim.

Crisis intervention and/or making a referral for social service — If the incident does not involve injury and the officers believe there is no likelihood of future violence, they should take additional appropriate preventive actions. Many officers use the crisis intervention skills of negotiation or mediation in these situations to defuse the hostilities and to arrive at a mutual agreement. It is important that the officers act only as facilitators in these situations by making suggestions, clarifying issues, or helping the parties to listen to each other. The couple themsleves must agree upon any settlement and feel comfortable with the prescribed actions. If the negotiated settlement appears to be addressing only surface issues or if the officers determine that the couple have poor communications skills and/or interpersonal problems, they should make a referral to an appropriate counseling agency. The officers should give the couple the agency's address, directions by car or public transportation, hours of business, telephone numbers,

and recommendations about what kinds of documents they should take. They should be told to ask for the "intake worker" when calling the agency for an appointment.

MONITORING AND EVALUATING THE PROCEDURES

Once a police department's operational procedures for handling spouse abuse and wife beating calls are developed and implemented, a mechanism to assess the effectiveness of these procedures should be activated for a two-year period. One of the most useful mechanisms, currently used by the Oakland Police Department, is a monitoring committee composed of police officers, social service providers, and attorneys. This group would be accountable to the chief of police and perform the following activities:

- Prepare monthly reports summarizing the number of domestic violence calls for service and the disposition of each call.
- Administer a survey, based on a representative sample of domestic violence calls for service, to determine levels of citizen satisfaction with police handling of these calls.
- Receive and evaluate citizen complaints regarding police handling of domestic violence calls. Valid complaints should go the the police chief for investigation and resolution.
- Review and evaluate new police training materials and programs for handling domestic violence calls.

Following the two-year monitoring period, the committee would prepare and submit to the police chief a final report on the effectiveness of the new procedures. The report could be submitted to service agency directors in the community for their review and comment. Following any needed changes or modifications in the procedures, the department should institute them formally, making provisions for periodic review of their effectiveness.

Chapter 5 Notes

1. Herman Goldstein, *Policing a Free Society* (Cambridge, Mass.: Ballinger Publishing Co., 1977), 112.

2. *Ibid.*

3. Frank Vandall, *Police Training for Tough Calls* (Atlanta: Emory University Center for Research in Social Change, 1976); International Association of Chiefs of Police, *Training Key #246: Investigation of Wife Beating* (Gaithersburg, Md.: IACP, 1976); W. Breslin, "Police Intervention in Domestic Confrontations," *Journal of Police Science and Administration* September 1978; Jose Valle and Mark Axelberd, *Police Training in Family Crisis Intervention* (Miami, Fla.: Miami Police Training Center, 1978); Russel Boxley, *et al., Family Crisis Intervention* (Boston: Boston Police Department, 1977); San Jose Police Department, *Battered Women: Information of Police Officers* (San Jose, Calif.: Police Department, 1978); Jack Mallory and John Gair, *Domestic Crisis Intervention Training Manual: Skill Oriented Training for Police Who Handle Domestic Crisis or Disturbance Situations* (Atlanta: Child Service and Family Counseling Center, undated); Mimi Silbert, *Crisis Identification and Management* (Phoenix: Arizona State Planning Agency, 1976); Ohio Peace Officer Training Academy, *Domestic Violence Training Program Course Outline* (London, Oh.: Ohio Peace Officer Training Academy, 1979); St. Petersburg Police Department, *Conflict Management* (St. Petersburg, Fla.: Police Department, 1976); New York City Police Department, *Precinct Level Training Instructor's Guide: Husband and Wife Disputes* (New York: Police Training Academy, Cycle 78-1, 1978); and Oakland Police Department, *Domestic Violence and Domestic Disputes Training Bulletin III-J (Revised)* (Oakland, Calif.: Police Department, November, 1979).

4. G. Marie Wilt, *et al., Domestic Violence and the Police* (Washington, D.C.: Police Foundation, 1977).

5. Proper use of the *Miranda* warning in these cases is as follows:

   While the initial "on the scene" inquiry may not necessarily require the giving of the *Miranda* warning, the police officer should always keep in mind that the *Miranda* warning must be given before any questioning or further questioning:

   (1) if the suspect, as a reasonable person under the circumstances, is led to believe that he is physically deprived of his freedom of action in any significant way, or

   (2) if the officer has probable cause to arrest. Probable cause to arrest, even in the field, is equivalent to "custody." When "probable cause to arrest" arises in this type of investigation will depend on the facts and circumstances of each case.

When the interview has progressed to a point where the husband is a criminal suspect and the officers questioning is for the purpose of eliciting incriminating statements, then he must be advised of his Constitutional rights. Before interrogating the suspect, the officer must review all available information.

Source: San Jose Police Department, *Battered Women: Information for Police Officers*, 11.

6. Family Service of Detroit and Wayne County, "Police Referral Project" (Detroit: Family Service of Detroit and Wayne County, 1977), mimeo.

7. B.B. Burnett, *et al.*, "Police and Social Workers in a Community Outreach Program," *Social Casework* 57, January 1976.

6

POLICE EDUCATION AND TRAINING

Educating and training police officers to handle spouse abuse and wife beating calls is a necessary task for all police agencies. The stress and danger involved in these calls make it imperative that responding officers learn to defuse and contain these situations, and to ensure their own safety and that of the family members. Because many of these cases tend to regress over time, resulting in an aggravated assault or homicide, officers need to understand the social roots of the problem and learn how to respond in ways that will neither escalate the immediate violence nor contribute to a subsequent deterioration of the situation. Police training programs, then, should be designed to improve the officers' intellectual grasp of the nature of the problem and clarify their primary responsibilities in these cases:

- to restore order to the household and safety to the family members;
- to determine if a crime has been committed and take appropriate law enforcement actions; and
- to refer the family members to a service agency that can help them deal with their problems in a more permanent manner.

The training program should emphasize the use of arrest in cases involving serious injury, use of a deadly weapon, violation of a restraining order, and/or repeated threats of assaults.

It should also teach the officers how and under what conditions to use other interventions, such as citations, restraining orders, and crisis intervention skills. Additional training topics might include safety precautions, medical procedures, and techniques for establishing order and security.

A serious problem that police training programs must seek to overcome is the attitudes many police officers hold—that spousal violence calls are a nuisance, that they do not constitute "real" police work, and that family matters are not the province of the police. These attitudes, which themselves are a byproduct of poor training, contribute to insensitive and hostile police responses and to a failure to provide spouse abuse victims with adequate protection. Such practices, as we have seen, can be traced to numerous factors, including the refusal of many victims to press charges or to remove themselves from the battering relationship. The tendencies of some officers to be preoccupied with their crime-fighting mission and of some administrators to urge officers to resolve these calls quickly in order to reduce service call backlog contribute to this problem. Unless police drastically redefine their concept of what constitutes "police work" they will not take seriously or handle effectively spouse abuse and wife beating calls. Police officials must examine both their own role in perpetuating these attitudes and practices, and the departmental policies and procedures which reinforce them.

The proportion of spousal violence calls among all calls for police service[1] in itself makes these cases "legitimate police work" and a topic for training programs. The development of relevant and useful education and training programs for police handling these calls requires that police officials and the law enforcement profession acknowledge that spouse abuse and wife beating calls properly fall within the boundaries of police work; commit themselves to raising the priority given to the handling of service calls within the department; be willing to employ law enforcement powers, especially arrest, in handling the calls which involve serious assault, use of a deadly weapon

and/or violation of a restraining order; and develop mechanisms for recognizing and rewarding officers who handle these calls well.

NEEDS ASSESSMENT

The design and implementation of a police training program are wasted unless the program is useful to those being trained. At the very least, officers should emerge from the program with more substantive information, better insight, and greater flexibility than when they started. Equally important, they should be equipped with practical skills to use in a range of volatile and violent situations. They should be taught how to cope with the tension and stress resulting from the danger and intense emotions involved in many spouse abuse calls.

In an attempt to identify areas of training for handling spousal violence calls that are of most concern to police officers, 130 police officers from 17 jurisdictions were surveyed about the training they had received (see Chapter 3 for a description of the survey). Since the number of officers surveyed is small, the survey is in no way representative of the nation's law enforcement profession. Approximately 10 percent of these officers had not received any formal police recruit training because they became officers before their state legislatures mandated training and certification.

The 130 officers were first asked to rate how prepared they feel to handle each of 22 steps involved in resolving domestic violence situations. (The actual questions used and a frequency tabulation for each are contained in Appendix C.) The responses ranged from "very well prepared" to "somewhat prepared" to "not too prepared" to "not at all prepared." For discussion purposes, the first two responses were combined into a "Prepared" category and the latter two into a "Less Prepared" category. Table 6 indicates that the officers felt more prepared to handle the logistics of a police intervention, namely

- establishing control;
- report filing;

- interviewing assailant; and
- interviewing witnesses.

In addition, they felt as well prepared to handle those steps closely associated with a broader law enforcement emphasis, gathering evidence and taking self-protective measures.

The crucial disposition phase of the intervention, including making referrals, employing crisis intervention skills, and comforting family members, is the area in which the officers

TABLE 6
POLICE FEELINGS OF PREPAREDNESS TO HANDLE DOMESTIC INCIDENTS

STEP	PREPARED (Percentage)	LESS PREPARED (Percentage)
Establishing control	98	2
Report filing	98	2
Interviewing assailant	98	2
Interviewing witnesses	98	2
Gathering evidence	98	2
Taking self-protective measures	97	3
Arrival at the scene	97	3
Arresting assailant	97	3
Summoning medical assistance	97	3
Gaining entry to premises	96	4
Restoring order	96	4
Informing victim of choices of action	96	4
Case preparation	96	4
Restraining assailant	95	5
Removing victim from premises	94	6
Removing assailant from premises	94	6
Comforting victims	91	9
Comforting children	90	10
Mediating/negotiating between parties	88	12
Referring to civil court	87	13
Referring to social service agency	83	17
Referring to family court	78	22

felt least prepared. In some ways, it appears that the further these officers intervene in a domestic violence situation, the less prepared they feel to handle it. Also, it seems that they do not feel well equipped to perform the "softer" tasks, providing comfort and making referrals, not generally associated with the crime control mission of law enforcement.

These levels of police officers' preparedness seem to be loosely correlated with the training they received as recruits. When asked to name the four intervention tasks for which their recruit training prepared them and the four steps for which the training did not prepare them, the officers responded with ratings similar to the previous question dealing with how well prepared they feel to handle each step. For instance, the officers reported that their recruit training prepared them "very well" to handle

- taking self-protective measures;
- gathering evidence;
- arrival at the scene;
- restoring order; and
- arresting assailants.

These are among the top half of the tasks the officers felt most prepared to handle (see Table 6). At the same time, the officers reported that the tasks for which their recruit training did not prepare them "at all" were the following five (see Table 7):

- referring to social services;
- referring to Family Court;
- mediating or negotiating between parties;
- comforting children; and
- referring to civil court.

These are same tasks the officers said they felt least prepared to handle (see Table 6).

These responses suggest a direct relationship between recruit training and the officers' subsequent performance. Other factors also are involved. For instance, it is clear from the officers' responses that many simply did not remember the content of their recruit training or, if they did, determined that

TABLE 7
ASSESSMENT OF RECRUIT TRAINING FOR HANDLING DOMESTIC VIOLENCE SITUATIONS

STEP	TRAINING PREPARED ME VERY WELL (N)	TRAINING DID NOT PREPARE ME AT ALL (N)
Arrival at the scene	27	0
Gaining entry	9	12
Restoring order	25	8
Restraining assailant	15	0
Taking self-protective measures	47	4
Establishing control	20	4
Comforting victim	10	15
Interviewing assailant	18	3
Interviewing witnesses	20	3
Comforting children	2	22
Gathering evidence	27	6
Informing victim of choices of action	9	9
Mediating or negotiating	5	24
Removing assailant from premises	5	6
Removing victim from premises	3	5
Arresting assailant	23	3
Summoning medical assistance	11	2
Referring to social services	3	32
Referring to civil court	4	19
Referring to family court	5	25
Filing report	21	1
Case preparation	5	13

the training was largely irrelevant. It is possible that they noted those tasks for which they felt "prepared" and "unprepared" and responded similarly for the training question, under the assumption that the training was responsible for their levels of preparedness. Other factors, such as patrol experience and instruction from peers, were not mentioned, but probably played an important role in shaping the officers' performance and feelings of preparedness. In fact, many of the officers responded that "real life" was the only valid learning experience and that recruit training was a "waste of time." It is also possible that their responses reflect the "state of the art" for handling family violence cases at the time of these officers' recruit training. Until recently, most officers were trained according to the prevailing acceptable procedures, namely to avoid arrest and reconcile the parties. This point was underscored in a recent survey of 110 Wisconsin police officers' handling of domestic violence cases. The survey found that the officers' training was an important factor in their tendency to avoid arrest in these cases.[2]

NEED FOR A TRAINING MANUAL

An educational and training program intended to teach recruits how to handle spouse abuse and wife beating calls must impart certain information. This information must be relevant to the problems the officers will encounter and facilitate the resolution of these problems. Most important, the content of a training program must be clearly focused, well organized, and interesting to officers.

The most effective way to organize and present this information is for each police department to develop and publish a training manual on handling spousal violence cases. Not only can the manual be a reference for the recruits to use once they are on patrol, but it also may be distributed to veteran officers during in-service training seminars. While it is not necessary to develop a lengthy training manual, the publication should be long enough to present five categories of information. A sample outline is the following:

I. Understanding the Problem
   A. Nature of spouse abuse and wife beating
      1. Statutory definitions
      2. Psychological and cultural considerations
      3. Causes and dynamics
   B. Extent of spouse abuse and wife beating
      1. Calls for police service and dispatches
      2. Major offenses recorded—felonies and misdemeanors
      3. Levels of violence against victims and officers

II. Department Policy
   A. Historical overview of police role
   B. Agency policy
   C. Statutory requirements for intervention and use of arrest
   D. Controversial legal issues and liabilities

III. Procedures for Police Intervention
   A. The contact phase
   B. The intervention phase
   C. The resolution phase
   D. Special considerations for officers' safety

IV. Use of Referrals
   A. Social service resources
   B. Civil court alternatives
   C. Feedback mechanisms

V. Personal Considerations
   A. Coping with stress and tension
   B. Dealing with (civilian and police) marriage problems

These categories of information should include:

Nature and extent of the problem — Because spouse abuse and wife beating are complex and difficult problems, they need to be examined carefully and thoroughly. Causes and methods of resolution should be discussed, along with information about the victim and the assailant. A summary of the extent of spouse abuse and wife beating in the jurisdiction should be included to make the problem more real to the officers. They

should receive a statistical profile of the number of these calls for services, the levels of violence and weapon use involved, and the offenses generally recorded in these cases.

Department policy — The officers need a general statement of the agency's policy regarding the police role in these cases so that they have both guidelines and the context for judging their own intervention practices. The rationale for selecting a particular policy should be explained, and there should be some indication of how well it is being implemented.

In addition, officers should be informed of statutory requirements and legal issues arising from police intervention in spousal violence cases, including questions of trespass, search and seizure, forced entry, use of arrest in both felony and misdemeanor cases, and interrogation, and should receive a summary of relevant criminal and civil offenses found in these cases, including assault and weapon offenses. Special attention should be given to both civil and criminal liability risks that the officers may face in answering these calls.

Agency procedures — The operational guidelines for handling spousal violence calls should be written in a clear, concise format. The procedures should present a road map for handling these calls, using responses that have proved most effective in the past. They should be flexible enough to allow officers to use their particular skills and talents, but precise enough to inform them which actions to avoid. Included in this section should be a description of the phases of police intervention, from initial contact to defusing and fact-finding, to resolution and disposition. The uses of arrest and of citizens' arrest should be clearly delineated.

Use of referrals — This section should contain precise information about social welfare and legal services that handle spousal violence problems, as well as specific instructions about how to make use of the services. Officers should be informed about referral procedures, eligibility criteria, service specializations, hours of service, and the location of the agency offices. They also should know the importance of and the ways to receive information from these agencies about both the effectiveness of their skills and the status of the families they have served.

Personal considerations — The officers should be informed that the danger, unpredictability, and intensity of emotions involved in many spousal violence calls may produce a great deal of tension and stress for them. They need to be made aware of the nature of stress and how to handle it so it does not interfere with their professional and personal lives. Encouraging the recruits to acknowledge and talk about this tension is recommended, as well as emphasizing the importance of adequate sleep and physical exercise, and of a well-balanced diet. The officers should be cautioned against either internalizing tensions, which results in a range of psychosomatic illnesses or alcohol abuse, or externalizing them, which results in agressive acts and hostility toward citizens and/or their families.[3] Another consideration is the problems the officers may have in responding to these calls because of their own marriage problems, which may or may not include spouse abuse or wife beating. Emphasizing that conflict and hostility are normal characteristics of all intimate relationships, although a violent response to them is unacceptable, may give the officers perspective on family calls as well as on their own intimate relationships.

TRAINING METHODS

Following the development of the training manual, the department should give attention to additional means of training the officers.

The training methods used must be capable of increasing substantive knowledge and equipping the officers with new skills, as well as refining the skills and talents they already possess. Because much of police work is action-oriented rather than reflective, it is important to select methods that actively involve officers in learning these new skills. When selecting these methods and designing the program content, police managers should note that adequate training for handling spousal violence calls would involve *a minimum of 20 hours* of instruction.

Educational and training methods that have proved successful for teaching officers how to handle these volatile and frustrating calls are traditional as well as innovative. Some

cost more than others; some require greater investments of time; all are means of transferring information and teaching new behavior.

Assigned Reading

The recruits should read several articles describing the nature and extent of the domestic violence problem to develop an understanding of the cyclical nature of the violence and the motivation of the people involved. (Appendix E.1 contains an annotated listing of suggested readings about the nature of family violence and methods of police intervention.) The articles should be discussed in a lecture or discussion group format.

Panel Discussions and Lectures

Information also can be transmitted effectively in a lecture or panel discussion format, provided it is well-organized, concise, and practical. Police and civilians involved with the problem should present specific information about psychological and legal issues, or about available social services. Many police recruits consider lectures boring because they require the young officers to sit passively and listen to the presentations; enthusiastic and well-informed instructors can capture the recruits' attention and interest.

Films

Professionally produced educational films often are effective teaching methods, especially if they help the officers understand the social roots of the spousal violence problem and illustrate the use of intervention practices (Appendix E.2 contains a listing of available films on family violence, including information on rental and purchase fees and where to get them). These films, however, should be carefully screened.

Role Playing

This is a very effective and popular teaching device that involves the students directly in a practical learning exercise.

The recruits or local amateur actors perform brief skits to illustrate the complexity of the spousal violence problem, the high levels of unpredictability and random violence involved, and the relative effectiveness of different intervention practices. Sample situations can be taken directly from police agency records. After each role-playing, the skit and the alternative interventions should be discussed. It is important that the recruits have the opportunity to play all the roles involved in these calls—police, victim, and assailant—in order to appreciate fully the dynamics of these situations.

Videotape

Many police agencies are buying videotape equipment, or renting or borrowing it from local school systems for use in their training programs. It is an excellent way to teach both effective and ineffective methods of handling spouse abuse and wife beating calls, and it is especially useful for monitoring changes in the recruits' behavior over time. Videotape is used effectively in conjunction with role playing to emphasize desired practices.

Field Visits

The recruits should have the opportunity to visit the offices of the various social service and legal aid agencies to which they will be referring people. Visits to battered women's shelters and civil courts are particularly informative, as are visits to hospital emergency rooms. These visits help the officers understand both the nature of the services available and the logistics involved for those who will use these services. They also help to break up the monotony that can result from exclusively classroom training.

INSTRUCTORS

An important consideration for the design of any recruit training and education program is the identification and selection of instructors and resource speakers. Whoever is chosen should have interest in and sufficient knowledge about spouse abuse and wife beating problems; ability to explain and com-

municate the training material effectively; and familiarity with and credibility in police matters. In the area of spousal violence, especially, the training instructors must be able to present the material in a manner that both legitimizes the police role in these cases and emphasizes the necessity for police intervention.

In most police agencies, the training will be conducted exclusively by sworn police personnel. These officers generally bring a great deal of professional credibility and practical examples from their own patrol experience to the program, but many of them do not have adequate knowledge about the spousal violence problem nor sufficient training skills. Although these officers can be equipped with the information and skills they are lacking through instructors' training programs, their presentations should be supplemented with resource speakers from women's rights groups and from legal and social service agencies. Generally these agencies have outreach programs and will provide speakers free of charge. Such individuals might include representatives from the local prosecutor's office; the legal aid society or public defender's office; the family or domestic relations court (judge or attorney); the public welfare department; the mental health center; a battered women's shelter; a victim advocate's office; or other family service agencies.

IN-SERVICE TRAINING

The need for departmentwide training programs dealing with the police response to spouse abuse and wife beating calls is clear, because community standards regarding these problems are rapidly shifting and because so few police officers have been educated or trained sufficiently to handle these calls satisfactorily. New statutes enacted to reduce these problems during the past few years, many of which mandate increased police intervention as well as require a certain number of hours of training for officers, necessitates that police officials develop programs to retrain their officers. The ideal would be for all patrol officers and their supervisors to receive as much training in this area as the new recruits, but police personnel

shortages and budget cutbacks in many jurisdictions prevent it. Police officials should try to strike a compromise between the need for this training and other service demands. This might result in a two- or three-day training session involving panel discussions, role-playing, and films. At minimum, brief film cassettes, such as those developed for the Philadelphia Police Department,[4] should be shown at roll call. Most important is the need to emphasize the use of arrest in cases involving assault, use of a deadly weapon, and/or violation of a restraining order and the use of referrals to social or legal agencies. Also, the officers should be equipped with referral cards and/or information booklets to distribute to spouse abuse victims.

Chapter 6 Notes

1. One study found that 20 percent of all calls for police services are disturbance disputes, environmental conflicts, disturbances caused by the mentally ill or intoxicated, and other types of interpersonal problems.

   Donald J. Black, *Police Encounters and Social Organization: An Observational Study* (Ann Arbor, Mich.: University of Michigan Press, 1968).

2. Daniel Saunders, *The Police Response to Battered Women: Predictors of Officers' Use of Arrest, Counseling or Minimal Action*, doctoral dissertation, University of Wisconsin, 1979 (Ann Arbor, Mich.: University Microfilms, 1979).

3. Increased attention is being given to helping police officers reduce the harmful effects of stress on their personal and professional lives. Many agencies are incorporating stress management techniques in their training programs and offering counseling services for officers who have difficulty coping with the rigors of police work. A particularly good film dealing with police response to stress is "Guidelines," produced by FMS Productions, Inc. (1040 Las Palmas Avenue, Los Angeles, CA 90038). It may be rented for $60 for three days. Harper and Row also has an excellent series of six films on police stress. For more information on training and materials to help officers cope with stress, write:

   International Law Enforcement Stress Association
   P.O. Box 415
   Canton, Massachusetts 02021

4. Local wife abuse groups are working with the Philadelphia Police Department to develop eight three-minute film cassettes for in-service training at roll calls. For information, contact the Women's Resource Network, 4025 Chestnut Street, Philadelphia, PA 19104 (telephone: 215/387-0420).

APPENDIX A

A.1: Sample Domestic Violence Legislation from Pennsylvania

AN ACT

SB 964

Amending the act of October 7, 1976 (P.L.1090, No.218), entitled "An act relating to abuse of adults and children by a person who resides with them; and providing for remedies and procedures," further defining "abuse", further providing for the commencement of proceedings, and notification, further regulating the right to possession of the residence or household and further providing for contempt, temporary financial support, arrest and emergency relief by the Philadelphia Municipal Court.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The definition of "abuse" in section 2 and sections 4, 6, 7, 8, 9 and 10, act of October 7, 1976 (P.L.1090, No.218), known as the "Protection From Abuse Act," are amended to read:

Section 2. Definitions.—As used in this act:

"Abuse" means the occurrence of one or more of the following acts between family or household members who reside together; ***or who formerly resided together and both parties continue to have legal access to the residence:***

(i) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury or serious bodily injury with or without a deadly weapon.

(ii) Placing by physical menace another in fear of imminent serious bodily injur[illegible].

(iii) Sexu[illegible]sing minor children as defined pursuant to the act of November 26, [illegible]75 (P.L.438, No.124), known as the "Child Protective Services Law."

* * *

Section 4. Commencement of Proceeding.—***(a)*** A person may seek relief under this act for himself or herself, or any parent or adult household member may seek relief under this act on behalf of minor children by filing a petition with the court alleging abuse by the defendant.

(b) If the plaintiff files an affidavit stating that he or she does not have funds available to pay the costs of filing and service, the petition shall be

filed and service shall be made without payment of costs and leave of court to proceed in forma pauperis shall not be required. When the petition is filed without payment of costs, the court shall determine at the hearing on the petition if the plaintiff is indigent. If the court finds that the plaintiff is not indigent the court may order the plaintiff to pay the court costs.

Section 6. Relief.—(a) The court shall be empowered to grant any protection order or approve any consent agreement to bring about a cessation of abuse of the plaintiff or minor children, which may include:

(1) Directing the defendant to refrain from abusing the plaintiff or minor children.

(2) Granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff when the residence or household is jointly owned or leased by the parties ***or is owned or leased by the entireties or is owned or leased solely by the plaintiff.***

(3) When the defendant has a duty to support the plaintiff or minor children living in the residence or household and the defendant is the sole owner or lessee, granting possession to the plaintiff of the residence or household to the exclusion of the defendant by evicting the defendant and/or restoring possession to the plaintiff, or by consent agreement allowing the defendant to provide suitable, alternate housing.

(4) Awarding temporary custody of and/or establishing temporary visitation rights with regard to minor children.

(5) After a hearing in accordance with section 5(a), directing the defendant to pay financial support to such persons as defendant has a duty to support. Such a support order is temporary and any beneficiary of the order must petition for support under the provisions of the Civil Procedural Support Act within two weeks of the date of the issuance of the protection order. If such a petition is not filed that portion of the protection order requiring the defendant to pay support is void. When there is a subsequent ruling on a petition for support under the Civil Procedural Support Act the portion of the protection order requiring the defendant to pay support becomes void.

(b) Any protection order or approved consent agreement shall be for a fixed period of time not to exceed one year. The court may amend its order or agreement at any time upon subsequent petition filed by either party.

(c) No order or agreement under this act shall in any manner affect title to any real property.

Section 7. Notification.—A copy of any order under this act shall be issued to the plaintiff, the defendant and the police department with appropriate jurisdiction to enforce the order or agreement, ***in accordance with the provisions of this act or as ordered by the court.***

Section 8. Emergency Relief.—(a) When the court is unavailable from the close of business at the end of the week to the resumption of business at the beginning of the week a petition may be filed before a district justice ***or Philadelphia Municipal Court Judge*** who may grant relief in accordance with section 6(a),(2) or (3) if the district justice ***or Philadelphia Municipal Court Judge*** deems it necessary to protect the plaintiff or minor children from abuse, upon good cause shown in an ex-parte proceeding. Immediate and present danger of abuse to the plaintiff or minor children shall constitute good cause for purposes of this section.

(b) Any order issued under subsection (a) shall expire as of the resumption of business of the court at the beginning of the week or within 72 hours, whichever occurs sooner; at which time, the plaintiff may seek a temporary order from the court.

(c) Any order issued under this section and any documentation in support thereof shall be immediately certified to the court. Such certification to the court shall have the effect of commencing proceedings under section 4 and invoking the other provisions of this act.

Section 9. Procedure.—**[Any]** ***Unless otherwise indicated in this act, any*** proceeding under this act shall be in accordance with the Rules of Civil Procedure and shall be in addition to any other available civil or criminal remedies.

Section 10. Contempt.—***(a)*** Upon violation of a protection order or a court approved consent agreement the court may hold the defendant in ***indirect criminal*** contempt and punish him in accordance with law.

(b) Notwithstanding any provision of the law to the contrary any sentence for this contempt may include imprisonment up to six months or a fine not to exceed $1,000 or both and the defendant shall not have a right to a jury trial on such a charge.

(c) An arrest for violation of an order issued pursuant to this act may be without warrant upon probable cause whether or not the violation is committed in the presence of the police officer. The police officer may verify, if necessary, the existence of a protection order by telephone or radio communication with the appropriate police department.

(d) Subsequent to an arrest the defendant shall be taken without unnecessary delay before the court that issued the order. When that court is unavailable the defendant shall be arraigned before a district justice, or in cities of the first class the municipal court, in accordance with the Rules of Criminal Procedure. This section shall not be construed to in any way limit any of the other powers for emergency relief provided in this act.

Section 2. This act shall take effect in 60 days.

APPROVED—The 23rd day of June, A. D. 1978.

MILTON J. SHAPP

A.2: State Legislation on Domestic Violence*

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	CRIMINAL STATUTES AND PROCEEDINGS	OTHER
ALABAMA						
ALASKA	*HB 392 (Pending), Amends AS 9.55* • See PA law* • Includes coresidents,[2] former spouses, relatives • PO relief does not include alternate housing; includes monetary compensation • Duration: 45 days, renewable • Violation of RO, VO: misdemeanor • Non-exclusive relief‡	*SB 53 (Pending)* • Funds 5 shelters • Appropriation: $840,300 *HR 11 (Pending)* • Requests Dept. of Health and Social Services to exempt shelters from license requirements		*HB 392 (Pending)* • Police training in response to domestic assault cases	*HB 392 (Pending)* • Officer must transport ♀ to hospital or shelter, must notify ♀ of her rights in ♀ s language • Penalty: mandatory arrest for violation of RO, VO; mandatory prison sentence of at least 3 days for second violation of RO, VO	HB 130 (Pending) • Creates State Council on Domestic and Sexual Assault • Monitors and adapts regulations and standards for DV programs receiving state/federal funds *HB 392 (Pending)* • Extends public housing priority to DV ♀ s after Veterans
ARIZONA						
ARKANSAS					*Act 396 (1979)* • Applies to wives only • Makes 1st degree wife battering a class B felony; 2nd degree wife battering a class D felony; 3rd degree wife battering a class A misdemeanor; aggravated assault on wife a class D felony; 1st degree assault on wife a class A misdemeanor; 2nd degree assault on wife a class B misdemeanor; 3rd degree assault on wife a class C misdemeanor	
CALIFORNIA	*Laws of CA, Chap 720 (1977)* • Includes cohabitants[1] • TRO for maximum of 30 days • *Ex parte* relief†: "great or irreparable injury • Relief is independent of divorce proceeding • Copy of order to LEA if requested by ♀ • Violation: Misdemeanor *SB 9 (Pending)* Domestic Violence Prevention Act • See PA law* • Includes coresidents,[2] former spouses, relatives • Relief independent of divorce proceeding • PO relief includes counseling to ♀ and/or ♂; monetary compensation, attorney fees and court costs to ♀ • Duration: 90 days, renewable 1 yr. maximum • Violation: misdemeanor • First copy of order free to indigent ♀ • *Ex parte*† order during pendency of divorce proceeding may restrain a party from disposing of property *SB 965 (Pending)* *Amends Section 527, Code of Civil Procedure* • Prohibits collection of fees for first 3 renewals of TRO	*Laws of CA, Chap 992 (1977)* • Statewide network of 4-6 pilot centers • Appropriation: $280,000 until 1980 • Data collection • Confidentiality of information	*Laws of CA, Chap 908 (1977)* • Separates reporting of spouse abuse and child abuse		*Laws of CA, Chap 912 (1977)* • Makes spouse abuse a felony • Includes cohabitants[1] • Penalty: Maximum imprisonment for 1 yr *SB 355 (Pending)* *Amends Title 6, Pt. 2, Penal Code* • Establishes diversion program for ♂ in DV cases • Includes educational treatment, rehabilitation programs • ♂ with prior violent crime conviction ineligible • Diversion program records inadmissible in subsequent court proceedings • Record expungement provision *SB 9 (Pending)* *Amends section 1377 Penal Code* • DV criminal cases prosecuted regardless of civil relief to ♀	

SB 961 (Pending)
"Family Conciliation Court Law
• Family conciliation courts to mediate divorce, child custody and DV cases
• Spouses only
• Non-exclusive relief‡
• Court order may include temporary support
• Duration: 30 days

COLORADO	*13-6-104 CRS (1973: Amended 1978)* • RO to be issued by county and district courts • Copy of order to LEA					
CONNECTICUT	*Pub. Act 77-336 (1977)* • PO: Hearing within 14 days of application; relief includes RO and VO • Maximum duration: 90 days unless divorce process commenced • Copy of order to ∞ upon request • Non-exclusive relief‡ • *Ex parte relief*†: "immediate and present physical danger	*Public Act 79-608* • Dept. of Human services to establish shelter program • Appropriation: $50,000	*Public Act 79-321* • Mandatory reporting by police and emergency room personnel to the Comm. of	Human Resources for statistical purposes only		
DELAWARE	*HB 311 (Pending)* • See PA law* • "Abuse" definition includes sexual abuse					
DISTRICT OF COLUMBIA	*DC Code, Title 16, Chap 10 (1973)* • Includes cohabitants[1] • PO Relief includes RO mandatory counseling • Maximum duration: 1 year • *Ex parte relief*†: "safety or welfare is immediately endangered • Penalty: contempt • No husband-wife privilege in proceedings					

Abbreviations

Δ = Defendant/Abuser
∞ = Plaintiff/Victim
DV = Domestic Violence
LEA = Law Enforcement Agency
PO = Protection Order
RO = Restraining Order
TOP = Temporary Order of Protection
TRO = Temporary Restraining Order
VO = Vacate Order

Footnotes

[1]Cohabitants = Persons living as spouses
[2]Coresidents = Persons sharing household
*Provisions are substantially same as those listed on chart under Pennsylvania "Protection from Abuse Act" (1976; Amd. 1978). Other provisions not found in the PA law are listed
†Relief without notice to Δ
‡Relief in addition to other available civil or criminal remedies

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STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	CRIMINAL STATUTES AND PROCEEDINGS	OTHER
FLORIDA		*Chap 409, FL Statutes (1977; Amended 1978)* • Establishes and funds diagnostic intervention centers, educational and informational programs • Spouses only • Confidentiality of information	• Mandatory police referral • Establishes $5 marriage license surcharge collected to fund shelters, funds allotted by Dept of Health and Rehabilitative Services to certified shelters		*Subsec. 901.15(6) (Chap 77-87) FL Statutes (1977)* • Provides for warrantless arrest if officer has probable cause to believe abuse committed, finds evidence of bodily harm or reasonably believes danger of violence exists	
GEORGIA						
HAWAII	*HB 921 (1979)* • Includes cohabitants[2] • *Ex parte relief*: "probable cause to believe recent or imminent act of violence • *Relief available*: RO, VO • Duration: 30 days maximum, renewable; hearing in 15 days				*HB 242, SB 503, SB 534 (Pending)* • All bills provide for warrantless arrest if officer has reasonable cause to believe abuse has occurred *Sec 709 906, Haw. I Penal Code (1973)* • Makes spouse abuse a misdemeanor	• Warrantless arrest if abuse in officer's presence • Record expungement provision
IDAHO						
ILLINOIS	*Chap 69, Sec 25, Laws of IL (1977)* • Spouses only • Injunctions include RO, VO for maximum of 30 days, temporary custody, counseling • *Ex parte relief*: "immediate and present danger of abuse					
INDIANA					*IC16-7 (Amended 1978)* • Provides compensation for victims of violent crimes • Spouse not an eligible victim	
IOWA	*HF 709 (Effective January 1980)* Domestic Abuse Act • See PA law[1] • Costs waived for indigents • PO relief includes counseling for ∆ and v • Duration: up to 1 year • Violation: contempt (sentence may be served on weekends) • TOP available • Court records confidential				*HF 709 (Effective January 1980)* • Limits officers' civil and criminal liability for enforcing PO	

KANSAS	*KSA 20 302-B (1979; Amended 1979)* Protection from Abuse Act • See PA law* • PO may include required counseling for ∇ and Δ; court may award costs and attorney fees to either party				*KSA 21-3721 (Amended 1979)* • Makes violation of RO a criminal trespass (class C misdemeanor)	
KENTUCKY	*KRS 209.010-030 (Amended 1978)* • Provides protective services to abused adults who agree to prosecute • Provides that people report such cases to the Department of Human Resources					
LOUISIANA		*Chap 28, Title 46 LRS (1950; Amended 1979)* • Authorizes Secretary of Dept. of Health and Human Resources to establish DV programs and community-based shelters				*SCR 21 (1977)* • Requests LA Dept. of Health and Human Resources to study problem
MAINE	*19 MRSA C 14 (1979)* • See PA law* • PO relief may include division of personal property, counseling for ∇ and/or Δ, monetary compensation, costs and attorney fees • Duration: up to 1 year • Violation: class D crime • Non-exclusive relief‡ • Expires June 30, 1982	*22 MRSA C 1677 (Amended 1979)* • Dept. of Human Services to contract for shelter care, counseling and emergency services • Appropriation: $250,000 for 2 years	*19 MRSA C 14 (Amended 1979)* • Establishes new category of abuse by "family or household member in Uniform Crime Reports	*19 MRSA C 14 (Amended 1979)* • LEA to provide training and education programs	*19 MRSA C 14 (Amended 1979)* • Warrantless arrest for violation of PO • Officer to use same standards as with "stranger" crimes; to provide transp. and notice of rights to ∇ • Arrest mandated when probable cause to believe DV crime or violation of PO *17-A MRSA C54-A* • Provides for PO, RO as condition of pretrial release in DV • Includes cohabitants,† former spouses, relatives • Court may order counseling for Δ • Copy of order to ∇, Δ, LEA • Violation: class D crime • Expires June 30, 1982	
MARYLAND	*Art. Courts Sec 3-803 (b) (1977)* • Extends equity powers to divorce court • Provides for PO from divorce court *Sec 33, Art. 16, ACM (1973; Amended 1979)* • Provides LEA protection, referral, and transportation • Provides PO to return home and remove belongings	*Art. 88a 101-105 ACM (Supp. 1977; Amended 1979)* • Includes cohabitants† • Establishes model shelter home • Includes "imminent fear of injury"	*HJR 32 (1978)* • Recordkeeping by state LEA of incidents and resolutions			
MASSACHUSETTS	*Chap 208, Sec 34C and Chap 209A of General Laws (1978)* • See PA law* • Includes former spouses, cohabitants† • "Abuse" includes involuntary sexual relations • No filing fee for PO • *Ex parte* relief‡: hearing to be held within 5 days • Violation: misdemeanor				*Chap 208, Sec 34C and Chap 209A of Gen. Laws* • Officer must transport ∇ to hospital, read ∇ rights and, where needed, give ∇ written bilingual copy of same • Provides for warrantless arrest when officer has probable cause to believe violation of RO or VO occurred • Pre-trial release may be contingent on RO, VO, monetary compensation to ∇	

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	CRIMINAL STATUTES AND PROCEEDINGS	OTHER
MICHIGAN	*399 Public Acts (1978)* Protection from Abuse Act • See PA law* *Chap 12, Sec 13, Act 175, Public Acts of 1927 (Amended 1978)* • Makes violation of prelim. injunct. order a felony *Sec 600 1910, Compiled Laws of 1970 (Amended 1978)* • Proof of service of prelim. injunct. ord. must be filed with LEA *Sec. 552 14, Compiled Laws of 1970 (Amended 1978)* • Clerk must file RO in divorce actions with LEA	*399 Publ. Acts (1978)* • Establishes temporary supportive residences, pilot assistance center, shelter • Appropriation $500,000	*Secs 28.251, 28.256, Compiled Laws of 1970 (Amended 1978)* • Uniform crime reporting system by local and state police • Data collection	*399 Publ. Acts (1978)* • Police training in investigation of domestic assault cases	*399 Publ. Acts (1978)* • Warrantless arrest when abuse not in officer's presence • Mandatory arrest if probable cause to believe violation of prelim. injunct. order or peace bond *Chap 9, Act 175, Public Act of 1927 (Amended 1978)* • Special probation provision for Δ with no previous convictions; may require mandatory counseling	HCR 108 (1977) • Creates special committee to study the problem
MINNESOTA	*MS Sec 518.01 (1978, Amended 1979)* Domestic Abuse Act • See PA law* • Includes coresidents* and cohabitants* • PO or consent agreements; hearing within 14 days • PO relief may include counseling or social service to Δ and-or π if married • Violation: misdemeanor	*Chap 428 (SF 124) (1977)* • Establishes 4 pilot shelter programs • Includes cohabitants* • Educational program • Assistance to displaced homemakers • Appropriation $500,000 plus $100,000 for displaced homemakers *SF 1689 (1978)* • Appropriation $100,000 • Permits 4 shelters, research, and educational programs	*Chap 428 (SF 124) (1977)* • Mandatory reporting of data by hospitals, doctors, nurses, and LEAs • Data collection and evaluation		*MS Sec 629.341 (1978, Amended 1979)* • Warrantless arrest with probable cause if made within 4 hours of abuse and if evidence of bodily harm • Officer immune from civil liability	
MISSISSIPPI						
MISSOURI	*HB 498 (Failed 1979)* • See PA law* • Included coresidents* and relatives • Attorney's fees paid by Δ if guilty • PO relief included support payments		*HB 498 (Failed 1979)* • LEA recordkeeping requirements • Confidentiality of records • Immunity to recordkeepers	*HB 498 (Failed 1979)* • Established domestic crisis teams • Provided for special training	*HB 498 (Failed 1979)* • Mandated same standard of enforcement as stranger crime • Number and type of DV acts to be considered and bond to be required for pre-trial release	• Penalty for PO violation: fine and-or jail (may be served on weekends)

MONTANA	*40-2-201, 45-5-506, MCA (Amended 1979)* • Abolishes interspousal tort immunity *27-19-201 through 405, MCA (Amended 1979)* • Amends procedures for obtaining prelim. injunc. and TROs (no specific mention of DV) • *Ex parte* TRO†: immediate and irreparable injury • Duration: 10 days, renewable	*40-1-202 MCA (Amended 1979)* • Establishes $9 marriage license surcharge and appropriation of $154,000 (FY80-81) to be administered by Dept. of Soc. and Rehab. Servs. • Monies to fund DV programs	*Chap 499 (1979)* • 4-year collection efforts coordinated by Dept. of Soc. and Rehab. Servs. • Uniform check-off form for all agencies		*45-5-506 MCA (Amended 1979)* • Excludes sexual assault of cohabitant from criminal liability • Spouse can be convicted of sexual crime he or she causes other person to commit	
NEBRASKA	*LB 623, Laws of NE (1978)* Protection from Domestic Abuse Act • Includes cohabitants' • Relief includes TRO and TVO • *Ex parte* relief†: irreparable harm, loss, or damage • π gets two free copies of order	*LB 623 and LB 623A, Laws of NE (1978)* • Establishes comprehensive support services to π, families and Δ • Confidentiality of information • 3 pilot shelters • Appropriation: $280,000 until 1980	*LB 623 and LB 623A, Laws of NE (1978)* • Compilation of statistical data	*LB 623, Laws of NE (1978)* • Education and training program for LEA	*LB 623, Laws of NE (1978)* • Mandatory counseling as condition of probation for Δ		
NEVADA	*Chap 488, Laws of NV (1979)* • Includes cohabitants' • TRO for up to 30 days • *Ex parte* relief† expires in 15 days • Non-exclusive relief‡‡ • Violation: misdemeanor				*Chap 452, Laws of NV (1979)* • Warrantless arrest if probable cause to believe abuse committed and evidence of bodily harm		
NEW HAMPSHIRE	*Chap 173B RSA (1979)* Protection of Persons from Domestic Violence • See PA law' • Non-exclusive relief‡‡ • *Ex parte* relief†: hearing within 5 days if Δ requests, without request, hearing within 30 days • PO relief includes monetary compensation for π, recommendation of counseling for Δ • Violation: misdemeanor		*Chap 106-B 14 RSA (Amended 1979)* • Annual report to general court on number of assaults in families		*Chap 597 RSA (Amended 1979)* • Limits officer's civil liability concerning π access to emergency care • Provides for warrantless arrest when officer has witnessed misdemeanor or has probable cause to believe assault occurred within prior 6 hours	• Officer required to give π notice of rights • Conditions of Δ release on personal recognizance may include RO, VO • Terms of conditional discharge may include RO, VO, mandatory counseling for Δ, restitution to π	
NEW JERSEY	*SB 101 (Pending)* *Supplements Title 2A NJS "Battered Persons Act* • See PA law' *A844 (Pending)* • Makes abuse (1 or more beatings) affirmative defense in divorce action for desertion *A847 (Pending)* • TRO may be issued by municipal court "clear and immediate harm" • VO for up to 72 hrs., renewable	*A845 (Pending)* Shelters for Victims of Spousal Assault Act • Dept. of Human Resources to establish or contract for 24-hr. DV shelters and support services *A882 (Pending)* Spousal Assault Shelter Act • Same as A845 • Appropriation: $850,000	*SB 807 (pending)* Shelters for Victims of Domestic Violence Act • Dept. of Human Services to provide services to those public or private agencies meeting standards set forth in act to operate shelters for DV π				

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	CRIMINAL STATUTES AND PROCEEDINGS	OTHER
NEW MEXICO					*Chap 178 (1979)* • Warrantless arrest when officer has probable cause to believe abuse has occurred • Limits officer's criminal and civil liability	
NEW YORK	*Family Court Act, Art. 8, NY Jud. Law (McKinney) amended by Chap 449 (S 6617-A8842) (1977)* • Spouses only • Initial concurrent jurisdiction in family court and criminal court, but exclusive relief • PO (restraining, vacate, visitation, custody) • Maximum duration: 1 yr • Penalty: Maximum of 6 months jail • *Ex parte* relief† • Notice of PO to LEA • Conciliation procedures (pre-filing of petition) probation services, written agreemts. (court may enter PO in accordance with agreemt.)	*Chap 450 (S6618-A8843) Laws of NY (1977)* • Permits Board of Social Welfare to approve establishment and operation of shelters	*Chap 449 (S 6617-A8842) Laws of NY (1977)* • Compilation of data by judiciary		*Chap 449 (S6617-A8842) Laws of NY (1977)* • Gives criminal courts power to issue TOP as condition of pre-trial release and, upon conviction, to enter PO • Copy of order to LEA	Exec. Order 90 (1979) • Establishes Task Force on Domestic Violence
NORTH CAROLINA	*Chap 504* *Added to General Statutes Effective Oct. 1979* • See PA law*		leave Δ violated [illegible] VO • LEAs not required to respond to multiple requests for assistance by same v if made within 48 hours, and LEA has reasonable cause to believe immediate assistance unnecessary • Officer may transport v to hospital, shelter, magistrate • Limits officer's civil and criminal liability		*Chap 14-134.3* *Added to Gen. Stat. Eff. Oct. 1979* • Makes VO violation a domestic criminal trespass (misdemeanor) • Parties must be living apart • Includes former spouse and former cohabitants *Chap 154-534.1* *Added to Gen. Stat. Eff. Oct. 1979* • Allows preventive detention of Δ • Pre-trial release may be contingent on RO *Chap 50A-4 and 50A-5* • Provides for mandatory arrest if officer has probable cause to be-	*Chap 143 B, Art 9, Part 21* • Creates Task Force on Family Violence to study problem, develop programs, coordinate state, local, federal resources, propose new legislation • Appropriation: $90,000 (FY79-81)
NORTH DAKOTA	*Chap 14-07.1 ND Century Code (1979)* • See PA law* • *Ex parte* relief†, hearing within 15 days • PO relief includes referral to counseling • Violation: criminal contempt and class A misdemeanor				*Chap 14-07.1 ND Century Code (1979)* • Provides for warrantless arrest when officer has probable cause to believe Δ violated PO • Limits officer's civil and criminal liability	

OHIO	*Sec 3113.13, RC (Amended 1979)* • See PA law* • *Ex parte* relief†: hearing within 3 days if order includes VO or alternate housing • PO relief may include required counseling for Δ and or ¤	*SB 46 (Pending)* • Establishes $10 marriage license surcharge to fund shelters	*Sec 3113.32, RC (Amended 1979)* • LEA must forward data monthly to Bureau of Ident. and Invest. Bureau must compile and produce annual statistical report	*Sec 109.71-77, RC (Amended 1979)* • Recruit training in DV increased to 15 hrs • To be repealed 4 yrs. after effective date unless reenacted by subseq. legis.	*Sec 2919.25, RC (Amended 1979)* • Creates statutory offense of DV • Includes cohabitants' and relatives • 1st offense a 1st degree misdemeanor • 2nd offense a 4th degree felony • Written statement of DV by ¤ constitutes reasonable cause for warrantless arrest	• Pre-trial release may be contingent on TPO • Violation: contempt • *Ex parte*† TPO available; hearing to be held within 24 hours • Court empowered to suspend sentence and mandate counseling
OKLAHOMA						
OREGON	*Chap 845, OR Laws (1977, Amended 1979)*: Abuse Prevention Act • Includes cohabitants' (persons who cohabited within a 2-yr. period immediately preceding TRO petition) • Relief includes TRO, injunct. or consent agreem't; temporary custody or visitation • Max. duration: 1 yr • Court may not require any undertaking by ¤ • Relief not affected by leaving household to avoid abuse • Non-exclusive relief‡	*Chap 846, OR Laws (1977)* • Grants for programs (including shelters) to prevent, identify, and treat DV • ¤ must deliver copy of order to LEA • TRO to be filed with county LEA • Extradition costs payable by county issuing TRO; guilty Δ must repay transp. costs			*Chap 845, OR Laws (1977)* • Provides for mandatory arrest, unless ¤ objects, if officer has probable cause to believe assault or fear of assault on ¤ • Warrantless arrest for RO violation or probable cause to believe violation has occurred	• TRO violation: contempt • Limits officer's civil and criminal liability
PENNSYLVANIA	*Act 218, Laws of PA (1976, Amended 1979)* Protection from Abuse Act • Includes cohabitants' • Right to relief not affected by leaving household to a...d abuse • PO or consent agreements: hearing within 10 days of filing petition; proof by preponderance of evidence; Δ has right to counsel. Relief includes: RO; VO; possession of residence; temporary custody and visitation; alternate housing; support. Maximum duration: 1 yr • *Ex parte* relief†: immediate and present danger of abuse • Emergency weekend relief by Phila. municipal court • Copy of order to Δ, ¤, and LEA • Non-exclusive relief‡ • Violation: indirect criminal contempt • Penalty: maximum 6 months in prison, $1,000 fine, or both; no right to jury trial	*HB 2193 (1978)* • Funds for local shelters and services • Appropriation: $1,400,000 • Confidential records *SB 745 (Pending)* • Creates office on Crime Victims to coordinate, evaluate, fund, and provide technical assistance to programs providing services to rape and DV ¤, and ¤/witness program *SB 744 (Pending)* • Establishes $5 marriage license surcharge to fund Office on Crime Victims	*SB 745 (Pending)* • Mandates data collection by programs receiving monies under marriage license surcharge (see SB 744)		*Act 218 Laws of PA (1976, Amended 1979)* • Warrantless arrest for PO violation if probable cause (whether or not in presence of arresting officer) *SB 745 (Pending)* • All Δ pleading guilty, *nolo contendere*, or convicted to be charged an additional $10 in costs to fund office on Crime Victims	

STATE	CIVIL REMEDIES—INJUNCTIVE RELIEF	SHELTER SERVICES	DATA COLLECTION	POLICE TRAINING	CRIMINAL STATUTES AND PROCEEDINGS	OTHER
RHODE ISLAND	*79-H-7969 sub A, Chap 15619, RI Public Law (1979)* • PO may be granted if petition for divorce filed • Court may prescribe counseling for Δ				*Sec 11-5-9, RI Pub. Law (Amended 1979)* • Warrantless arrest must be made within 24 hrs. after crime *77-S -1009, Chap 259, RI Pub. Law (1977)* • Makes DV a misdemeanor • Includes cohabitants[1] • No recognizance requirement	
SOUTH CAROLINA	*S795 (Failed 1978)* • Included cohabitants[1] • Established pilot programs for shelters and support services		*S795 (Failed 1978)* • Included data collection and community education			
SOUTH DAKOTA						
TENNESSEE					*TCA Sec 39-602 (1978)* • DV a misdemeanor • Spouses only	
TEXAS	*Title 4, TX Family Code (Amended 1979) Effective Sept. 1979* • See PA law* • Includes former spouse and relatives • $16 application fee for PO • County court cannot issue PO if divorce suit pending • *Ex parte* relief[1]: hearing to be held within 20 days • PO relief includes support for ♀ and minor children, counseling for Δ and/or ♀, award of community property to 1 party	*Title 4, TX Family Code, (Amended 1979) Effective Sept. 1979* • Dept. of Human Resources to contract for up to 12 shelters; must include both rural and urban areas • May appropriate up to $50,000/shelter/year • Expires Aug 31, 1983	*Title 4, TX Family Code, (Amended 1979) Effective Sept. 1979* • Dept. of Human Resources to publish reports on DV incidence • Confidentiality of case data and reports		*Title 4, TX Family Code, (Amended 1979) Effective Sept. 1979* • Makes violation of PO other than *ex parte* order a criminal offense • Violation of *ex parte* order: contempt	
UTAH	*Secs. 30-5-1 through 30-5-7 UCA (1953; Amended 1979)* • See PA law* • Includes cohabitants[1] and coresidents[2] • PO relief includes only RO, VO; award of costs and attorney's fees for either party • Duration: 60 days • Violation: misdemeanor • ♀ to get two copies of any PO; ♀ must have one copy served on Δ and give one copy to LEA with proof of service on Δ	*Sec 30-5-9 UCA (1953; Amended 1979)* • Directs Dept. of Social Services to establish and maintain "comprehensive support services" to ♀			*Sec 76-5-108 UCA (1953; Amended 1979)* • Makes violation of PO a class B misdemeanor *Sec 30-5-8 UCA (1953; Amended 1979)* • Warrantless arrest possible in DV cases under 77-13-3 UCA	• Limits officer's civil and criminal liability • Officer must transport ♀ to hospital, shelter, explain rights to ♀
VERMONT						

VIRGINIA	*Code of VA 16 1-279 (Amended 1979)* • Court order for counseling or treatment for either spouse • Δ may have to pay for shelter care					
WASHINGTON		*Title 70 RCW (Amended 1979)* • Dept. of Health and Social Services to establish shelter services • Appropriation: $1,000,000	*Title 10 RCW (Amended 1979)* • Each LEA must keep written records of all DV incidents to be identified by DV Department Code	*Title 10 RCW (Amended 1979)* • Training stresses criminality of DV cases, available community resources and protection of ∀	*Title 10 RCW (Amended 1979)* • Specifies criminal statutes which apply in cases of DV • Includes cohabitants' (also defined as parents of same children) • Officer may make warrantless arrest with probable cause to believe violence committed; must inform ∀ of rights and importance of preserving evidence if no arrest or citation issued; officer must make complete report, may transport ∀ to hospital or shelter • LEA must forward report to prosecutor • Limits officer's civil liability	• Prosecutor must notify ∀ of decision to prosecute within 5 days • Prosecutor must inform ∀ of rights and means to criminal proceedings • Criminal Court shall not dismiss or delay case because of concurrent civil case; shall not require proof of divorce action; may withhold ∀'s address from Δ; may make pre-trial release contingent on PO for ∀ • Violation: contempt • ∀ may be given copy of order • If Δ's sentence includes restriction on contact with ∀, court must give ∀ certified copy of order
WEST VIRGINIA	*Chap 48, WV Code (Amended 1979)* Family Protection Bill • See PA law* • *Ex parte relief*†: hearing to be held within 5 days • For PO relief, ∀ must file for divorce or separate maintenance within 30 days • Duration: 30 days					
WISCONSIN	*HB 169 (Pending)* • Family members eligible for crime ∨ s compensation • Includes cohabitants' • TRO available pending trial • Temporary custody and support available	*HB 169 (Pending)* • Dept. of Health and Soc Servs. to administer grant program for DV services • Appropriation: $1,500,000–1980; $1,500,000–1981 • Establishes council on DV to oversee program		*HB 169 (Pending)* • Seven of 245 hours police training on DV case intervention	*HB 169 (Pending)* • Aggravated battery: causing great bodily harm with intent to create bodily harm (class C felony) • For 1st offense, officer may issue citation to appear in court within 72 hours, rather than immediate arrest; failure to appear results in arrest. For 2nd offense, immediate arrest; judge may deny bail • Limits officer's liability for failure to arrest • Deferred prosecution program available for up to 1 year • Upon arrest for battery, RO, VO may be made a condition of release	
WYOMING						

APPENDIX B

*A Cycle Theory of Battering**

Dr. Leonore Walker, Colorado Women's College

After analyzing the 120 battered women's versions of their battering relationships and using some batterers and others involved in working with such violence for comparisons, a cycle theory of battering has been isolated. Rather than constant or random occurrences of battering, there is a definite cycle which is repeated over a period of time. This cycle appears to have three distinct phases which vary in time and intensity both within the same couple and between different couples. The three phases are: the tension building phase, the explosion or acute battering incident, and the calm, loving respite. So far, it has been difficult to discern how long a couple will remain in any one phase. Predicting the length of any one cycle is also not yet possible. There is evidence that situational events can influence the timing. Relationships that have lasted 20 or more years indicate several different cycle patterns corresponding to different stages of life. There is also evidence that some interventions are more successful if they occur at one phase rather than another. The available data is still too limited to make any conclusions, but trends suggest the desirability of further investigation (Walker, in press).

Phase one, or the tension building phase, is described as one in which the tension begins to rise and the woman can sense the man becoming somewhat edgy and more prone to react negatively to frustrations. There can be little episodes of violence which are quickly covered. He may begin to lash out at her for some real or imagined wrongdoing and quickly apologize or become docile again. Many women have learned to catch these little outbursts and attempt to calm down the batterer through the use of techniques that have had previous success. She may become nurturing, compliant and anticipate his every whim; or, she may stay out of his way. She lets the batterer know she accepts his abusiveness as legitimately directed towards her. She believes that what she does will prevent his anger from escalating. If she does her job well, then the incident will be over; if he explodes, then she assumes the guilt. In order for her to maintain this role, the battered woman must not permit herself to get angry with the batterer. She denies her anger at unjustly being psychologically or physically abused. She reasons that perhaps she did deserve the abuse and often identifies with her aggressor's faulty reasoning. And this works for a while to postpone the second phase or acute battering incident.

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Women who have been battered over a period of time know that these minor battering incidents will get worse. However, to help themselves cope, they deny this knowledge. They also deny their terror of the inevitable second phase by attempting to believe that they have some control over the batterer's behavior. During the initial stages of this first phase, they do indeed have some limited control. As the tension builds, they rapidly lose this control. Each time a minor battering incident occurs there are residual tension building effects. Her anger steadily increases even though she may not recognize nor express it. He is aware of the inappropriateness of his behavior even if he does not acknowledge it. He becomes more fearful that she may leave him which is reinforced by her further withdrawal from him in the hopes of not setting off the impending explosion. He becomes more oppressive, jealous, and possessive in the hopes his brutality and threats will keep her captive. Often, it does.

As the batterer and battered woman sense the escalating tension, it becomes more difficult for their coping mechanisms to continue to work. Each becomes more frantic. The man increases his possessive smothering and brutality. Psychological humiliation becomes more barbed and battering incidents become more frequent and last longer. The battered woman is unable to restore the equilibrium. She is less able to psychologically defend against the pain and hurt. The psychological torture is reportedly the most difficult for her to handle. She usually withdraws further from him which causes him to move more oppressively towards her. There is a point towards the end of the tension building phase where the process ceases to respond to any controls. Once this point of inevitability is reached, the next phase, the acute battering incident, will occur. Sometimes, the battered woman cannot bear the tension any longer. She knows the explosion is inevitable but does not know how or when it will occur. These women will often provoke an incident. They do not do it in order to be hurt. Rather, they know they will be abused no matter and would prefer to get the incident over with. Somehow, these few women reason, if they can name the time and place of the explosion, they still have retained some controls. They also know that once the phase two is over, the batterer will move into the third phase of calm, loving behavior. Thus their reward is not the beating as the masochistic myth would have it, but rather a kind loving husband for even a short period of time.

During phase two the batterer fully accepts the fact that his rage is out of control. The battering behavior in phase one is usually meted out. The battering incident in phase two may start out with the man justifying his behavior to himself; however, it usually ends with him not understanding what has happened. In his blind rage, he usually starts out wanting to teach her a lesson and doesn't want to inflict any particular injury on her. He stops only when he feels she has learned her lesson. Most victims report that to fight back in a phase two incident is only to invite more serious violence. Many women, however, have been damming up their anger during phase one and only feel safe letting it out during the second phase. They know that they will be beaten anyway. The women describe the violence that occurs during this period with great detail, almost as if they are

dissociated from what is happening to their bodies. The batterers cannot describe the details very well at all.

Phase two is the most violent of the cycle. It is also the shortest. There is a high incidence of police fatalities when intervening at this time. It is important to acknowledge the self-propelling nature of the violence during this phase when helpers try to intervene. Since the women report that only the batterer can end this phase, the most important need they have is to find a safe place to hide from him. Why he stops is still unclear. Perhaps he becomes exhausted. Battered women describe incidents which have no ground in reason. It is not uncommon for the batterer to wake the woman from a deep sleep to begin his assault. Although most are severely beaten by the time phase two is over, they are usually grateful for its end. They consider themselves lucky it was not worse, no matter how serious their injuries. They often deny the seriousness of their injuries and refuse to seek immediate medical treatment. Sometimes this is done to appease the batterer and make certain phase two really is finished and not temporarily halted.

The ending of phase two and movement into phase three is welcomed by both parties. Just as brutality is associated with phase two, the third phase is characterized by extremely loving, kind and contrite behavior. It is during this third phase of the cycle that the battered woman's victimization becomes complete. Her man is genuinely sorry for what he has done, even if he does not overtly tell her so, and tries with the same sense of overkill seen in the previous phases, to make it up to her. His worst fear is that she will leave him and he is charming enough to attempt everything to make sure this doesn't happen. He believes he can control himself and he never again will hurt this woman whom he loves. He manages to convince all concerned that this time he really means it—he will give up drinking, dating other women, visiting his mother, reducing the workload on the job, or whatever else affects his internal anxiety state. His sincerity is believable.

The battered woman wants to believe that she will no longer have to suffer abuse. His reasonableness supports her belief that he really can change, as does his loving behavior during this phase. She convinces herself that he can do what he says he wants to do. It is during phase three that the woman gets a glimpse of her original dream of how wonderful love is. This is her reinforcement for staying in the relationship. The traditional notion that people who really love each other will overcome all kinds of odds against them prevails. She chooses to believe that the behavior she sees during phase three signifies what her man really is like. She identifies the "good" side of this dual personality with the man she loves. The "bad" or brutal side will disappear, she hopes.

Since almost all of the rewards of being married or coupled occur during phase three for the woman, this is the time that is the most difficult for her to make a decision to end the relationship. It is also the time during which helpers usually see her. When she resists leaving the marriage and pleads that she really loves him, she bases her reference to the current loving phase rather than the previously pain-

ful phase. She hopes that if the other two cycles can be eliminated, the battering behavior will cease and her idealized relationship will magically remain. If she has already been through several cycles previously, the notion she has traded her psychological and physical safety (and maybe that of her children) for this temporary dream state adds to her own self-hatred and embarrassment. Her self-image withers as she copes with the awareness that she is selling herself for a few moments of phase three kind of loving. She, in effect, becomes an accomplice to her own battering.

The length of time that this phase lasts is not yet known. It seems as if it is longer than phase two yet shorter than phase one. In some cases, it is so brief, it almost defies detection. There does not seem to be any distinct end and before they know it, the minor battering incidents and tensions begin to build again and the cycle begins anew.

APPENDIX C

1. Which of the following police procedures for domestic violence cases do you use as a general rule? (More than one answer may be checked.)

%	Total	Procedure
30	89	Arrest if a crime has been committed.
28	83	Arrest if the likelihood of recurring violence exists.
19	58	Avoid arrest whenever possible.
15	46	Arrest only if serious injury has occurred.
8	22	Arrest only if victim insists.
0	0	Avoid arrest in all situations.
100	298	

2. The following factors may influence your decision *to make an arrest* in a domestic violence situation. Using a scale of very important, somewhat important, not too important, or not important at all, please tell us how important you consider each factor when deciding to arrest:

Scale 1. Very important
2. Somewhat important
3. Not too important
4. Not important at all

1	2	3	4	Total	Factor
117	13	0	0	130	Serious injury to victim.
113	16	1	0	130	Use of a weapon.
33	69	25	2	129	Previous injury to victim or damage to property.
49	51	25	1	126	Previous legal action (restraining order, for example) against assailant.
108	16	3	2	129	Use of violence against police officers.
20	50	45	14	129	Frequent calls from household for police assistance.
22	62	36	10	130	Alcohol/drug intoxicated assailant.
55	60	13	2	130	Likelihood of future violence.
118	12	0	0	130	Commission of a felony.
17	47	45	19	128	Victim insists on arrest.

3. The following factors may influence your decision *NOT* to make an arrest in domestic violence situations. On a scale of very important, somewhat important, not too important, or not important at all, please tell us how you consider each factor when deciding not to arrest.

Scale: 1. Very important
2. Somewhat important
3. Not too important
4. Not important at all

1	2	3	4	Total	Factor
86	34	9	1	130	Refusal of victim to press charges.
41	57	26	6	130	Victims' tendency to drop charges
21	70	34	5	130	Lack of serious injury.
28	57	32	12	129	Intoxicated assailant and victim.
19	46	34	30	129	Participants' first encounter with police.
9	59	38	16	122	Commission of a misdemeanor.
4	13	19	93	129	Added paperwork burden.
26	56	13	32	127	Availability of effective social service and civil alternatives.
5	8	15	100	128	Jail overcrowding.
19	45	41	25	130	Frequent calls from household for police assistance.
19	43	37	30	129	No use of a weapon.

4. There are several alternatives to arrest available to you in domestic situations. Some are more effective than others in resolving the immediate situation. On a scale of very effective, somewhat effective, not too effective, and not effective at all, please tell us how you rate each alternative.

Scale: 1. Very effective
2. Somewhat effective
3. Not too effective
4. Not effective at all

1	2	3	4	Total	Alternative to Arrest
9	45	56	17	127	Summons
15	65	38	8	126	Mediation
19	77	27	4	127	Negotiation
80	42	4	1	127	Separation of parties
79	40	9	2	130	Removal of assailant from household to friend or relative
61	50	11	1	123	Removal of victim from household to friend or relative
45	55	19	8	127	Removal of victim to women's shelter
32	43	34	17	127	Protection
15	37	38	23	113	Peace bond
22	54	31	19	126	Restraining order
25	45	23	17	110	Order to vacate

5. Can you tell us, using a scale of weekly, monthly, seldom, or never, how often you refer domestic violence participants to any of the following agencies?

Scale: 1. Weekly
2. Monthly
3. Seldom
4. Never

1	2	3	4	Total	Agency
45	18	23	40	126	Family Court
45	19	32	33	129	District attorney
27	34	45	23	129	Legal aid
20	47	37	26	130	Marriage counseling
6	12	40	67	125	Salvation Army
3	5	45	70	123	YWCA/YMCA
5	16	38	64	123	Private social work agency
11	37	57	20	125	Mental health agency
2	7	33	82	124	Planned Parenthood
12	23	46	46	127	Public welfare department
13	15	38	59	125	Public assistance department
7	19	51	52	129	Church
13	18	38	59	128	Women's center
12	21	46	46	125	Battered women's shelter
6	15	38	64	123	Victim/witness assistance
22	36	47	21	126	Hospital/clinic
15	30	56	23	124	Alcoholics Anonymous
23	27	55	25	130	Drug rehabilitation

6. There are many steps to handling a domestic violence situation. On a scale of very well prepared, somewhat prepared, not too prepared, or not prepared at all, can you tell us how well prepared you feel to handle each step?

Scale: 1. Very well prepared
2. Somewhat prepared
3. Not too prepared
4. Not prepared at all

1	2	3	4	Total	Step
86	35	2	2	125	Arrival at the scene
65	55	4	1	125	Gaining entry to premises
64	56	5	0	125	Restoring order
83	37	6	0	126	Restraining assailant
99	24	4	0	127	Taking self-protective measures
63	64	2	0	129	Establishing control
65	47	11	0	123	Comforting victims
83	39	3	0	125	Interviewing assailant
85	36	3	0	124	Interviewing witnesses
67	45	12	0	124	Comforting children
89	33	3	0	125	Gathering evidence
82	39	4	1	126	Informing victim of choices of action
54	60	11	4	129	Mediating/negotiating between parties
70	49	8	0	127	Removing assailant from premises

74	46	6	2	128	Removing victim
88	34	4	0	126	Arresting assailant
106	15	4	0	125	Summoning medical assistance
55	51	19	3	128	Referring to social service agency
70	41	13	4	128	Referring to civil court
58	39	17	11	125	Referring to family court
100	26	2	0	128	Filing report
85	38	5	0	128	Case preparation

APPENDIX D

D.1: Oakland Police Department's Summary Policy Statement on Domestic Violence

OFFICE OF CHIEF OF POLICE
OAKLAND POLICE DEPARTMENT

SPECIAL ORDER NO. 3853

November 1, 1979

Domestic Violence

1. It is the policy of the Oakland Police Department to treat complaints of domestic violence as alleged criminal conduct. For the purposes of this order, "domestic violence" refers to offensive or harmful physical conduct of one spouse or cohabitant, or former spouse or cohabitant, towards the other.

2. The Police Department will not employ an arrest avoidance policy in response to incidents of alleged domestic violence. Although officers shall exercise discretion and shall utilize less punitive options when appropriate (*e.g.*, citation, dispute mediation, referral, citizen's arrest), arrest shall be presumed to be the most appropriate response in domestic violence cases which involve an alleged felony, physical violence committed in the presence of an officer, repeated incidents, or violation of a restraining order.

3. Departmental policy and procedures regarding domestic violence cases are set forth in detail in Training Bulletin III-J, DOMESTIC VIOLENCE AND DOMESTIC DISPUTES.

D.2: New York City Police Department's Guidelines for Operating Order on Husband-Wife Disputes

INTRODUCTION

Husband-wife disputes have long been a part of the daily routine of the patrol officer. These situations however, place the patrol officer in a very demanding and complicated position. Experience has shown that officers must be constantly aware that their safety and the safety of others must be given constant consideration. In addition, the role of peace maker on the one hand, and law enforcer on the other,

also come into conflict in these situations and place the officer in a very tenuous legal position. These diverse and often competing considerations have often led to dissatisfaction on behalf of police officers and citizens alike with respect to the manner in which these situations should be handled.

When we consider what the proper legal role of the police officer should be in domestic disputes two main arguments surface. The first one argues that the police have no right to intervene in the very private and personal rights of the family. The second argues that the right of personal privacy does not justify the arbitrary and often outright refusal to take police action in family dispute situations. Both sides agree that serious assaults, homicides, child abuse and crimes of severe violence require direct police intervention regardless of the relationships involved. Where they differ is in the standards for handling family disputes involving less severe violence or where there is no violence at all.

This Department has issued Operations Order #89 and 89-15 (8-24-79) which defines standards for police action in family disputes. These guidelines are prepared for two purposes: 1) to provide a concise explanation of the standards to be followed in family disputes involving a) felonies b) misdemeanors c) Orders of Protection. 2) To provide police officers with procedures for recording their compliance with these standards so that they are protected from civil liability.

The guidelines that follow provide specific directions for handling wife-husband disputes.

OFFICER MUST RESPOND

Members of the service will respond to every request for assistance.

Re: A. Offenses in the Penal Law or
B. Violations of an Order of Protection

SITUATIONS WHERE THE OFFICER HAS DISCRETION REGARDING WHEN TO ARREST:

Where probable cause exists that a spouse committed a misdemeanor or a violation the officer shall **not** refrain from making an arrest solely due to the following:

A. The parties are married.

B. The aggrieved spouse has not sought an Order of Protection

C. The aggrieved spouse has instituted prior pending legal proceedings.

D. The officer prefers to reconcile the parties despite the aggrieved spouse's determined insistence that an arrest be made.

E. The aggrieved spouse intends to institute a proceeding in Family Court based on the current incident.

CIRCUMSTANCES WHERE THE OFFICER MUST ARREST

I. Where there is probable cause that a spouse has committed:

   A. A felony — or

   B. Violation of an Order of Protection — However, the violator of an Order of Protection will not be arrested if the petitioner (spouse) requests that an arrest not be made. When such a request is made, the member of the service will make an appropriate ACTIVITY LOG (PD112-145) entry and ask the petitioner to sign the ACTIVITY LOG.

II. AN OFFICER SHALL NOT ATTEMPT TO RECONCILE THE PARTIES OR TO MEDIATE THESE TYPE SITUATIONS.

III. Where probable cause exists that a

   1. Crime or violation has been committed, but the spouse is not present — follow Patrol Guide applicable procedures. (108-3 pg. 1)

SPECIAL PROCEDURES REGARDING AN ARREST FOR SPECIFIC FAMILY RELATED OFFENSES

Section 812 of the Family Court Act states that:

1. The Family Court and the Criminal Courts have concurrent jurisdiction, over any proceeding concerning acts which would constitute:

   A. Disorderly Conduct (for the purpose of this procedure, disorderly conduct *includes* conduct *not* in a public place)

   B. Harassment

   C. Menacing

   D. Reckless Endangerment

   E. Assault or Attempted Assault

When committed between spouse or between parent and child or between members of the same family or household. Under these circumstances the officer will inform the complainant of the option of having this case handled in Family Court or Criminal Court. In order for the complainant to make an intelligent decision, the following information must be given:

A. There is concurrent jurisdiction with respect to family offenses in both Family Court and Criminal Court;

B. A Family Court proceeding is a civil proceeding and is for the purpose of attempting to keep the family unit intact. Referrals for counseling, or counseling services, are available through probation for this purpose;

C. A proceeding in the criminal courts is for the purpose of prosecution of the offender and can result in a criminal conviction of the offender;

D. A proceeding or action subject to the provisions of this section is initiated at the time of the signing and verification of an accusatory instrument or filing of a family court petition, not at the time of arrest, or request for arrest, if any;

E. The *signing and verification of such* accusatory instrument or filing of Family Court petition *constitutes a final choice of forum after seventy-two hours have elapsed* from signing and verification of filing and bars any subsequent proceeding in the alternative court based on the same offense. However, in the event that a finding by the court on the merits of such complaint or petition occurs before seventy-two hours have elapsed, such finding shall be deemed to constitute a final choice of forum and shall bar any subsequent proceeding in an alternative court based on the same offense.

F. An arrest may be the basis of a Family Court or a Criminal Court proceeding, but an arrest is not a requirement for commencing either proceeding.

NOTE: A COMPLAINANT/PETITIONER SHALL NOT BE DISCOURAGED OR PREVENTED FROM FILING A PETITION OR COMPLAINT

RESPONSIBILITY FOR MEDICAL ASSISTANCE

The officer should assist in obtaining medical aid for crime victims even if assistance is not requested and especially where the need is apparent.

The officer shall temporarily remain on the scene until reasonably satisfied that the danger of recurrence of the incident has subsided.

COMPLAINTS OF ALLEGED VIOLATIONS OF PROCEDURES BY POLICE OFFICERS

Whenever a complaint is received against an officer for conduct alleged to be in violation of this order, a *supervising officer* shall investigate the complaint as soon as possible and determine whether it is valid. If the complaint is determined to be valid, the supervising officer shall cause the relevant provisions of this order to be complied with immediately.

CERTIFICATE OF WARRANT

The Family Court may issue a warrant, directing that the defendant be brought before the court when it appears that:

A. the summons cannot be served, or

B. the respondent has failed to obey the summons; or

C. the respondent is likely to leave the jurisdiction; or

D. a summons, in the court's opinion, would be ineffectual, or

E. the safety of the petitioner is endangered.

Upon issuance of the warrant the complainant will usually be given a certificate stating that a warrant has been issued. The presentation of such a certificate to a peace officer authorizes him to arrest the individual stated on the warrant and take him to Family Court.

A certificate of warrant expires 90 days from the date of issuance, but may be renewed by the court.

NOTE: Applicable rules regarding Warrant of Arrest also apply to this type warrant.

ORDER OF PROTECTION

The Family Court may issue an Order of Protection or temporary Order of Protection on behalf of a complainant. The order may set forth reasonable conditions of behavior to be observed for a period not in excess of one year by the complainant—defendant, or both, or any other member of the family or household. Such an order may require such person:

A. to stay away from the home, the other spouse or the child;

B. to permit a parent to visit the child at stated periods;

C. to abstain from offensive conduct against the child or against the other parent or against any person to whom custody of the child is awarded;

D. to give proper attention to the care of the home;

E. to refrain from acts of commission or omission that tend to make the home not a proper place for the child.

The court may also award custody of the child, during the term of the Order of Protection to either parent, or to an appropriate relative within the second degree. The court may also, upon the showing of special circumstances, extend the Order of Protection for a reasonable period of time.

If you receive a complaint that an Order of Protection has been violated and are requested to make an arrest insure that:

1. The order is valid.

2. There is probable cause to believe that the person to be arrested did violate the terms of the Order of Protection.

NOTE: A person arrested as the result of the issuance of a Family Court Warrant or for violation of an Order of Protection, shall be taken to the Family Court when in session. If the Family Court is closed, he will be arraigned in the local criminal court. All subsequent proceedings on the matter will be held in the Family Court.

SUMMARY:

It must be stressed that the procedure is not aimed at merely creating a knee-jerk reaction to husband-wife disputes. Rather, this procedure seeks to remedy what was perceived as a callous neglect for the woman in a marriage situation by mandating the arrest of a husband where probable cause exists that he has committed a felony. In less serious situations, the *officer* still has discretion regarding his making an arrest, however, he must not do so solely on the specifically listed grounds listed in the section "Situations Where the Officer Has Discretion Regarding When to Arrest."

APPENDIX E

E.1: Cleveland Police Department's Misdemeanor Complaint Statement

MISDEMEANOR COMPLAINT STATEMENT

DATE _____ TIME _____ LOCATION _____

STATEMENT OF COMPLAINANT:

I hereby complain that _____ committed a violation of the law against my (person) (property). I request that (he) (she) be detained by the lawful authorities in order that I might appear at the next session of court to consult with the Prosecutor with the view of obtaining an affidavit and warrant for the offense of _____

To wit: _____

_____

_____

(signed) _____

WITNESS STATEMENT: _____

_____

_____

ARRESTING OFFICER'S OBSERVATION COMPLAINT NO. _____

_____

_____

_____

Investigated By _____

Affidavit By _____

C GP C 73-8141

E.2: Cleveland Police Department's Summons for Domestic Violence Counseling

COUNTY OF CUYAHOGA
NOTICE TO APPEAR
AT

THE FAMILY VIOLENCE PROGRAM

JUSTICE CENTER
CLEVELAND POLICE HEADQUARTERS
1300 ONTARIO ST.

You are hereby notified to appear at the Family Violence Program on _____

_____, 19____ at_____

If you cannot make this appointment, call 623-7369 to reschedule.

The police have been called to your home as a result of a family disturbance. Pursuant to Ohio Rev. Code § 2935.03(B) the police can make an arrest if it appears a DOMESTIC VIOLENCE crime has been committed. FAMILY VIOLENCE IS A SERIOUS PROBLEM. You have been given the option to appear at the FAMILY VIOLENCE PROGRAM to help you solve this problem.

NAMES: 1st Party _____ Date _____ 19____

2nd Party_____ _____ O'Clock P.M. A.M.

ADDRESS: _____ Phone #_____

Officer_____ Badge #_____ Car #_____

Offense _____ Report I.D. #_____

WHITE: 1st Party YELLOW: 2nd Party PINK: P. V. R. GOLD: Police

E.3: Sample Referral Cards for Domestic Violence Victims

Help for Abused Women and their Children

9 Crombie Street
Salem, Mass. 01970

Office: 745-2166

HOTLINE 744-6841 **24 HRS. A DAY**

- Shelter for Women and their Children
- 24-Hour Hotline/Crisis Intervention
- Support Groups for Women and Men
- Counseling for Violent Men
- Legal Services for Battered Women
- Information and Referral

If you are a *BATTERED WOMAN*, you are a *VICTIM of a CRIME.* Call HAWC!!

IF YOU NEED HELP
OR
IF YOU WANT TO HELP
A BATTERED PERSON

Contact the **DOMESTIC VIOLENCE UNIT**
Westchester District Attorney's Office

County Courthouse
111 Grove Street

CALL
682-2127

Third Floor
White Plains

E.4: Oakland Police Department's Brochure for Battered Women

CARD

HAVE YOU BEEN BEATEN?

DO YOU NEED HELP?

This card will provide you with information regarding where you can find assistance.

POLICE PROTECTION

A. Officer Arrest

The Oakland Police Department is committed to providing protection to battered women. In cases of serious injury and of repeated beatings, Oakland police officers when called will make an arrest and take the batterer into custody.

B. Citizen's Arrest

In certain circumstances, officers cannot make an arrest directly but must ask you to make a citizen's arrest. Once you have told the officer you want to make such an arrest, the officers will take the batterer into custody in most circumstances.

C. Cite and Release

If the batterer has committed a misdemeanor and has no history of beating women, the police officer may issue a citation and release the batterer. WHEN THE BATTERER IS CITED AND RELEASED, THE POLICE OFFICER MUST FILL OUT THE ATTACHED FORM. If you are beaten by the batterer again, show the arresting officer the signed form and the batterer will be taken to jail.

D. Temporary Restraining Orders TRO's

If you have obtained a temporary restraining order which stops the batterer from beating or harassing you, and the batterer violates the terms of the order, the Oakland Police will arrest him. Make sure the police have a copy of the TRO in their files.

E. Follow-Up

Once the batterer is arrested, contact the Victim-Witness Assistance Program of the DA (874-7618) for more information on how to press charges.

F. Complaints

If you have complaints about how the police handled your case, please contact the Battered Women's Monitoring Team at

LEGAL ASSISTANCE

If you need an attorney to help you the following agencies should be called:

A. Legal Aid Society of Alameda County (free)
Central Office 451-9261
North & West Oakland Office 465-3833
East Oakland - Fruitvale Office 532-5963

KEEP RESOURCE CARD

B. Alameda County Lawyer Referral Service 893-8683

C. Charles Houston Bar Association Judicare Program (free) 568-7988

SHELTERS

If you need a place to stay and think matters over, the following are places that will take you in:

A. Tri-Valley Haven for Women
Livermore 443-1955

B. Women's Refuge
Berkeley 849-2314

C. Emergency Shelter
Hayward 881-1244

D. A Safe Place 444-7233/7234
Oakland

E. La Casa de Las Madres 585-2844
San Francisco

F. Alternative 284-CARE
Contra Costa Co.

G. Abused Women's Services 924-6616
Marin County

H. Salvation Army 451-5547
810 Clay Street
Oakland

I. Brandon House (408) 258-6146
San Jose

J. Santa Rosa (707) 546-1234
Shelter
Sonoma County

Feel free to call shelters located far away from your home. You might be safer because you will be harder to find.

MARITAL COUNSELING

If you need to talk with experts about your problems, call any of the following:

A. Family Service Bureau 834-5433

B. Catholic Social Service 834-5656

C. Jewish Family Service 532-6314

D. Oakland Mental Health Service
Central Office 874-5024
East Oakland 632-4100
West Oakland 465-1800

CITE AND RELEASE FORM

Defendant's Name _____ Arrest Number _____

Citation Number _____ Date of Citation _____

Arresting Officer - Serial Number _____

APPENDIX F

F.1: Domestic Violence Films

Selected and reviewed by the Center for Women Policy Studies.

A Woman, A Spaniel, A Walnut Tree — produced by Cine Design, Inc., for the United States Commission on Civil Rights. 13 min., free rental. Order from Barbara Brooks, Public Information Office, U.S. Commission on Civil Rights, 1121 Vermont Avenue, N.W., Washington, DC 20425; phone 202/254-6697 (orders must be placed in writing). The title of this short investigation of wife beating comes from the old English proverb, "A woman, a spaniel, a walnut tree. The more you beat them, the better they be." In the film, a victim describes her beatings and helps to dispel some common myths about the problem. Although the film only touches on solutions, it does address one of the questions most commonly asked of abused women: "Why did you stay?" This film was done in conjunction with a report issued by the U.S. Commission on Civil Rights, "The Silent Victims: Denver's Battered Women," which may also be obtained by writing to the address above.

Battered Spouses — produced by Glen Howard, in consultation with the National Crime Prevention Institute, School of Police Administration, University of Louisville, Kentucky. 16mm, 23 min., color, rental $50/week, purchase $380. Order from Harper & Row Media, Inc., Order Fulfillment/Customer Service, 2350 Virginia Avenue, Hagerstown, MD 21740; phone 301/733-2700, ext. 64. This film offers a panoramic view of the problem of spouse abuse as it affects victims, abusers, police, justice system officials, shelters, and other service agencies. It is designed to encourage the development of crisis aid programs. The major focus is on the diversity of programs available to help the victim legally and emotionally. Participants in the film point to police crisis intervention teams, victim assistance programs in prosecutors' offices, private doctors' watchful screening of female patients for possible cases of wife battery, and federal support of service programs as measures that can prevent domestic violence.

Battered Wives — produced by Henry Jaffee Enterprises, Inc. 16mm, 45 min., color, rental $50/three days, purchase $495. Also available as a 70 mm, 98 min. motion picture, rental $75/three days, $850/five years. Order from Learning Corporation of America, Customer Relations Department, 1350 Avenue of the Americas, New York, NY 10019; phone 212/397-9361. Karen Grassle (of "Little House on the Prairie") and Cynthia Lovelace Sears wrote the screenplay for this

film originally shown on TV in late 1978. The well-publicized drama constituted commercial television's sensitive coverage of domestic violence. Through the stories of four women who are beaten by their husbands, the film presents the general characteristics of wife abuse cases and some of the alternative solutions available to persons in that situation. At the same time, the film addresses some of the public's most common misconceptions about the problem.

Battered Wives: Women — produced by project director W. George for WNED television, Buffalo, New York; sponsoring agency, Ford Foundation. Videocassette, 29 min., color, rental $68, purchase $175. Order from Public Television Library, 475 L'Enfant Plaza, S.W., Washington, DC 20024. This videotaped recording of an episode in the television series, "Woman," conducted by Sandra Elkin, presents a panel discussion about wife abuse. The panel defines "battered wives" as women who have been subjected to either physical or emotional abuse from their husbands. Panelists discuss the scope of the problem and the kinds of women who become battered wives. They recommend the development of more crisis centers and battered women's shelters throughout the United States and stress the need for greater resources and programs for women who seek alternatives to returning to their husbands upon leaving shelters.

Battered Women: A Hidden Crime -- produced by the Media, Loft, Inc., for the Minnesota Department of Corrections, 1978. 10 min., slide and tape, $60. Order from Minnesota Department of Corrections, Battered Women's Programs, Victim Services Division, Suite 430, Metro Square Building, Seventh and Robert Streets, St. Paul MN 55101; phone 612/296-6133. The first part of the program is aimed at general audiences, based on real people and real injuries, and dramatizes the facts of domestic violence. It explores why women remain in the situation, the impact of violence on children, and how shelters operate. The second part of the program, aimed at the professional, presents a general overview of the social services and criminal justice response to battered women. The presentation considers possible responses by officials that will provide the battered woman with the economic assistance, physical safety, and emotional support she needs to leave a violent home.

F.2: Suggested Readings

Nature of the Problem

Straus, M., Gelles, R., and Steinmetz, S. *Behind Closed Doors: Violence in the American Family*. New York: Anchor/Doubleday, 1980.

Thorough study of various forms of family violence resulting from over 2,200 interviews and eight years of research. It shows how domestic violence cuts across all blood ties, education levels, and incomes. While much of the violence usually passes pushing and shoving, many parents and children are found to be using guns and knives with increasing frequency. Special attention is given to the use of violence between husbands and wives, among brothers and sisters, and among parents and children. Evidence suggests that violence is a fundamental part of family life, despite the traditional image of the family as a center of love and solidarity.

Wilt, G. Marie *et al. Domestic Volence and the Police*. Washington, D.C.: Police Foundation, 1977.

Non-felonious homicides and assaults in Detroit and Kansas City were studied to determine patterns of domestic violence. The most striking finding was the prevalence of violence and conflict arrests in the histories of both offenders and victims. Moreover, police in Kansas City had responded to disturbance calls at the address of 85% of the homicide victims or suspects and had responded to five or more disturbance calls at the addresses of about 50% of them. A firearm in the home was found to be of high predictive value that violence will occur.

Martin, Del. *Battered Wives*. San Francisco: Glide Publications, 1976.

A comprehensive discussion of wife beating from a feminist viewpoint. Of particular value are the chapters of "The Victim—Why Does She Stay?" and "The Batterer—What Makes Him a Brute?" The origins of wife beating are traced to a tradition of sexual inequality and to male domination of public and private institutions. A critical review of the legal and social welfare systems' responses to the problem is presented, as are recommendations for legislative changes. Also, a description of shelters for battered women around the country is included.

Fields, M. "Representing Battered Wives or What to Do Until the Police Arrive." *Family Law Reporter 3*, 1977, (Monograph No. 25.)

An excellent review of legal problems that a battered wife can expect to encounter, especially if she seeks a divorce. Excellent tips on interviewing battered women, and on the kinds of information and evidence needed for any legal action she may contemplate.

Police Intervention

Vandall, F. "Training to Deal With the Domestic Disturbance." In *Police Training for Tough Calls*. Atlanta: Emory University Center for Research in Social Change, 1976.

Practical guide to the development of departmental policies and procedures. Use of police discretion is emphasized in responding to domestic disturbances and the following are identified as criteria to be considered in any police intervention: legal constraints, the seriousness of the injury, the degree of intent to commit serious injury, and the likelihood of future acts. Use of summons, arrest, referral, mediation, and separation of the parties are discussed as alternative actions for the police officer.

International Association of Chiefs of Police. *Wife Beating: Training Key #245* and *Investigating Wife Beating: Training Key #246*. Gaithersburg, Md.: IACP, 1976.

Two summary publications dealing with the crime of wife beating and the appropriate police response to such incidents. Key #245 contains a summary of the problem and an excellent discussion of "the victim" and "the assailant." Key #246 emphasizes that the victim has been physically assaulted and must be treated as a crime victim and that, further, the husband is a violent lawbreaker who should not be shielded from legal action. Step-by-step guidelines are presented for receiving the complaint, arriving at the scene, gaining entry, establishing control, protecting and interviewing the victim, interviewing the assailant and witnesses, gathering evidence, and arrest procedures.

Langley, R. and Levy, R. "Wife Abuse and the Police Response." *FBI Law Enforcement Bulletin*, May 1978.

A critical review of police procedures in response to wife abuse. Policies advocating avoidance of arrest and discouraging victims to file complaints are harshly criticized, as are crisis intervention training programs offered in most departments. Increased assault arrests may result in added paperwork for officers, but procedures can be simplified by use of checklist reporting forms and tape recorders to dictate complaints. Victims will be more likely to follow through with complaints when bureaucratic obstacles to prosecution are removed.

Breslin, W. "Police Intervention in Domestic Confrontations." *Journal of Police Science and Administration*, September 1978.

Excellent discussion of traditional police policy of nonarrest in handling domestic confrontations. Such policies largely influenced by deferential treatment of family-related crimes by family court but violate statutes which impose enforcement duty on police when they encounter a crime. Standards needed to guide police discretion.

Guidelines for police handling of domestic confrontations are presented, as are seven criteria for arrest: serious, intense conflict; use of a weapon; previous injury or damage; previous court appearance against offender; prior attempt to sever the relationship; second call to police; and presence of children, mentally deficient or intoxicated assailants or victims. Conditions for nonarrest are also described.

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